DOCUMENT RESUME

ED 323 824 HE 023 600

AUTHOR	Jastram, Philip S.; McCombs, Guy C., III
TITLE	Access for Handicapped Students to Higher Education: A Reference Handbook.
INSTITUTION	American Association of Univ. Professors, Washington, D.C.; American Council on Education, Washington, D.C.
SPONS AGENCY	Office for Civil Rights (ED), Washington, DC.
PUB DATE	Apr 81
NOTE	205p.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC09 Plus Postage.
DESCRIPTORS	*Accessibility (for Disabled); Civil Rights; College Admission; College Students; Court Litigation; *Disabilities; *Federal Legislation; Higher Education; Learning Disabilities; Rehabilitation; *Student Rights; *Teacher Responsibility
IDENTIFIERS	*Rehabilitation Act 1973 (Section 504); Southeastern Community College v Davis

ABSTRACT

The manual provides access to provisions of federal law and regulations concerning access by persons with disabilities to higher education programs and facilities. It also includes texts of 11 presentations given at a 1979-80 series of workshops by the American Association of University Professors. An introduction, "The Faculty Role: New Responsibilities in Assuring Program Access" by P. Jastram, introduces Part I, which includes: the text of relevant federal regulations for Section 504 of the Rehabilitation Act of 1973; a report by the National Association of College and University Business Officers titled "Issues and Answers for Implementing Section 504"; a report on the United States Supreme Court decision in Southeastern Community College versus Davis allowing professional schools to impose physical qualifications for admission; a summary of characteristics and functional limitations of common disabilities; a reference listing of faculty resource persons; a listing of 42 resource organizations; and a bibliography of about 50 items. Part II contains workshop presentations by P. Jastram, G. McCombs, A. Degraff, N. Hoffman, and R. Carothers. They cover such topics as the philosophy of academic accommodation, pre-admission inquiry, the Davis case, learning disabilities, faculty accommodation under Section 504, and procedures and strategies for developing program access and involving faculty. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED323824

ACCESS FOR HANDICAPPED STUDENTS TO HIGHER EDUCATION

A Reference Handbook

Philip S. Jastram
and
Guy C. McCombs, III

HE 023 600

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

UNITED STATES DEPARTMENT OF EDUCATION

ACCESS

FOR HANDICAPPED STUDENTS

TO HIGHER EDUCATION

A Reference Handbook

Philip S. Jastram

and

Guy C. McCombs, III

U. S. Department of Education

This handbook was developed by the American Association of University Professors, under a subcontract with the American Council on Education, as part of Project HEATH (Higher Education and the Handicapped). The funds for this work were provided through a contract with the Office for Civil Rights in the Department of Health, Education and Welfare, now the Department of Education.

G. C. McCombs, Project Director
P. S. Jastram, Project Supervisor
M. R. Redden, Project HEATH Coordinator

PREFACE

Federal law forbids those who receive Federal funds from discriminating against an individual on the basis of handicap. Since nearly every institution of higher education in the country receives Federal monies--directly, in the form of grants or contracts, or indirectly, in student fees funded by Basic Education Opportunity Grants or guaranteed student loans--nearly all come under the law. But beyond this, removal of barriers to education, of whatever type, ought to be the common business of all of us who teach. "Section 504" asks of us no more than we should wish to ask of ourselves and our colleges and universities if there were no law.

It is easy to assert a general right of access; it is something else to make that right a reality for the myriad variety of individuals and disabilities that we encounter in practice. This handbook is intended to give ready access to provisions of the law, the relevant Federal regulations, task-force and study-group discussions of various issues, and sources of information, as they apply to higher education. It was developed during a series of workshops in 1979-80, administered by the American Association of University Professors under a contract between the American Council on Education and the Office for Civil Rights in the then Department of Health, Education and Welfare, as part of Project HEATH--Higher Education and the Handicapped.

The format is designed for the person seeking information and possibly advice on a specific topic. The usual table of contents is followed by a subject index which refers the user to specific paragraphs or sections of the regulations, task-force conclusions, and discussion in the workshop presentations in Part II.

There are also human resources: people with special knowledge, expertise, or experience in various types of disability. A roster is included. The person confronted with a problem in one of these areas should not hesitate to get in touch with one of these resource people directly. They are more than glad to help.

Laws and regulations--and even task-force pronouncements--are sometimes on the dry side of the prose spectrum. They are also definitive and authoritative. The regulations in Section B are direct quotations from the Federal Register of May 4, 1977, exact except for occasional non-substantive deletions or changes of words or phrases. In each case the original text citation is provided.

The NACUBO Task Force report and C. Richard Biehl's analysis of the Frances Davis case and the U.S. Supreme Court decision are photocopies of the articles as they appeared in the July 1979 Business Officer, the newsmagazine published by the National Association of College and University Business Officers.

The introductory discussion of the faculty role in assuring access first appeared in Assuring Access for the Handicapped, published by Jossey-Bass, Inc., in 1979.

The three role-playing scenarios were tape-recorded at the workshop held in Arlington, Texas, in May 1980. These performances were extemporaneous, without prepared text. The transcriptions have been edited to accommodate the limited tolerance of the eye for colloquialisms and repetitions to which the modern ear has become more or less numb. Let the critic be sentenced to listen to a tape recording of his own utterance--or, harsher still, see it verbatim in print.

The bureaucratic term "recipient" so permeates the federal regulations that it is easier to use it than to fight it. It refers to any institution or program that receives federal funds or federal assistance. Its precise meaning may never be known: for example, does one student who pays part of his or her tuition with a federal grant make the university he or she attends a "recipient"? Only the Supreme Court knows for sure. Until advised otherwise, we assume it does. In the present higher education context, "recipient" means the college, university, professional or technical school, or degree program.

We are indebted to many people for help and encouragement. Most especially to our "presenter" colleagues, Alfred DeGraff, Robert Carothers, Neal Hoffman, and, in the earlier workshops, Jane Herzog; to the participants in the five regional workshops, who greatly broadened our own perceptions; to Maryse Eymonerie and her staff in the Washington Office of the American Association of University Professors for setting up supporting accounting and financial procedures; to Martha Redden, Director of Project HEATH, for unfailing encouragement and help; to the staff of the American Council on Education, through which this work was subcontracted; and finally, to the Office for Civil Rights and HEW-Ed, for their enthusiasm and their funds, which made the project and this publication possible.

P. S. Jastram
G. C. McCombs

April 1981

TABLE OF CONTENTS

PART I

Section A Introduction

B Federal Regulations

C NACUBO Task Force Report
-Section 504 Issues and Answers in Higher Education

D Frances Davis Case - The Supreme Court Decision

E A Layman's Guide to Disabilities

F Reference Listing of Faculty Resource Persons

G Resource Organizations

H Bibliography

PART II

1979-80 AAUP Workshop Presentations

Chapter 1 Objectives and expectations 1
P. S. Jastram

2 Attitudes and Behaviors 9
G. C. McCombs

3 The Spirit and Philosophy of Academic Accommodation 15
A. H. DeGraff

4 Pre-Admission Inquiry 21
P. S. Jastram

5 Three Scenarios 23
N. M. Hoffman, R. L. Carothers, and G. C. McCombs

6 Accommodation Background. 37
A. H. DeGraff

7 Learning Disabilities 49
P. S. Jastram

8 Section 504 - The Davis Case: Where Do We Go From Here?. 51
N. M. Hoffman

9 Section 504 and Faculty Accommodation: "How To" Strategies. 57
R. L. Carothers

10 Four Problems, and Models for On-Campus Workshops . 63
R. L. Carothers

11 Procedures and Strategies for Developing Program Access and Involving Faculty on the Campus. 71
P. S. Jastram and R. L. Carothers

SUBJECT INDEX

Letters A, B, C, etc., refer to Sections in Part I.

NTF refers to the NACUBO Task Force Report (Section C). The NTF numbers refer to the issue number in the report, not the page number.

DC refers to the Davis Case and the U. S. Supreme Court ruling, Section D.

II refers to Part II; II 25 means page 25 in Part II.

Access to Programs, Courses, and Facilities:sec. A; B 1; NTF 26; DC; II 3, 16, 39
See also: Accommodations
Program Accessibility
Rights of Access - General

Accessibility of Special Facilities, Such as Bookstores, Libraries, Food Service Facilities, etc.: NTF 10, 13

Accommodation - Measures Taken to Achieve Access: A 3 ff, A 6-11, II 57
See also: Program Accessibility

Academic Requirements: A 10; B1; II 41-42
Background: II Ch. 6; 37
Course Examinations: A 4-5; B1
Definition: II 4, 57, 58
Does Not Mean Lowering Standards: A 10; II 4, 15, 59-60
Ethical basis for: II 39
Examples: A 8,9; II 18, 19
Foresight--Need for Advance Preparation: II 57, 58
Functional Limitations: II 43
Instructional: A 3 ff; II 57 ff (Ch. 9)
Laboratories: A 4; II 57, 58
Physical Accommodations: A 3; NTF 26
Rules That Prevent Access Are Forbidden: B 1
Shared Responsibility: A 8, 10; II 4, 17 (Examples, II 60)
Spirit & Philosophy: A 10; II 15 ff
Strategies for Faculty Accommodation: A 10, 11; II 57 ff
Teaching Styles & Methods: II 58
Team Effort: II 17

Accommodation Background: II 37 ff, 57 ff

Accommodation Examples: A 8,9; II 18-19

Admissions
Faulty Predictive Judgments: A 9-10
General: B1; DC
No Numerical or Percentage Limits: B 1
Testing: B 2
Preference for Handicapped Persons?: NTF 19

See also: Pre and Post Inquiry

Affirmative Action--Not Involved: A 10; DC

Aids for Personal Use or Study: B 2; NTF 31

Anticipation of Problems: II 57, 61

Artificially Corrected Handicaps: NTF 2

Assistance: A 2-3; II 57

Attitudinal Problems: II 5, 9 ff
Faulty Predictive Judgments: A 9, 10
Fear of the Handicapped: II 12, ff, 60-61
Hostility Toward Handicapped: II 9, 60-61
Historical Review: II 10 ff
Over-solicitousness Toward the Handicapped: A 6, 10; II 60

Auxiliary Aids: B 2; NTF 30
Brailled or Taped Material for Blind Students: NTF 32
Obligation To Provide Aids Not Related To Student's Ability To Pay: NTF 28
Role of State Vocational Rehabilition Agencies in Higher Education: NTF 33
Tape Recorders: B 11; NTF 29

Battlefield Model of the Classroom: II 5

Construction & Renovation of Facilities: B 3; NTF 15

Davis Case - Denial of Admission to Program on Account of Handicap: Section D; Ch. 8 (II-51 ff)
Southeastern Community College vs. Frances Davis, U.S. Supreme Court Decision to Deny Access: II 51 ff (Ch. 8)
--and Academic Philosophy: II 42-43

Developing Program Access--
Procedures: II 71 ff
Strategies: II 73 ff

Direct vs Second-hand Learning Experience: A 8,9

'Disabling the Disabled': II 2

Discrimination Forbidden: B Title Page; B 4-5

Disputes: II 6, 75

Employment
Of Students: B 5
Assistance in Obtaining Outside Employment: B 5

Equal Opportunity, Not Advantage: A 10; II 16-17

Examinations - Accommodations: A 4-5; B 5-6; II 59

Faculty Resource Persons on Campus: A 11; II 73

Faculty Resource Reference: Section F

Faculty Role and Responsibility for Access: Section A; II 1, 2; 57 ff

Faulty Predictive Judgments: A 9-10; II 59

Fear of Handicapped Persons: II 12 ff; 60-61

Financial Assistance: B 6

Functional Limitations - The Key Concept to Individual Accommodations: II 43 ff

Handicapped Person: B 7; NTF 3
Qualified: B 10

Hidden Handicaps and Disabilities: A 10; II 5, 50

Historical Review of Society's Attitudes Toward Handicapped: II 10 ff
--of Legislation: II 40

Hostility Toward Handicapped: II 9, 60-61

Housing: B 7
General: NTF 11,15,16,17
Specific: NTF 34,35

Individual Differences: A 2-3; II 6, 16, 43

Institutional Authority vs. Accountability to Public Policy: A 11

Institutions and Programs in Postsecondary Education to Which the Law and Regulations Apply: B 7
See also: Recipient: ii; B 10; II-1

Insurance Carriers - Discrimination: NTF 24

Integrated Setting: B 7, 8; B 5 (FR 84.4(b)(2) and (3)); NTF 6; II 26
See also: Mainstreaming

Learning Disability: II, Chapter 7, 49 ff
Described: Section E
Scenario: II 23 ff

Legal Obligation To Provide Access: A 2; Section 504; B Title Page 1,2,4,5,6,8,9,10

Legislative History of Section 504: II 40, 41

Liability of Institution with Respect to Handicapped Students and Employees: NTF 36

Mainstreaming: II 17
See also: Integrated Setting

Number of People with Different Types of Handicap: II 38

Off-Campus Events - Access: NTF 9
See also: Rights of Access - General

Over-solicitousness: A 6, 10; II 60

Part-time Students: NTF 18

Physical Accommodations - Faculty Role: A 3

Physical Education & Athletics: B 8

Post-Admission Inquiry: B 9; NTF 22

Pre-Admission Inquiry: B 8-9; NTF 22; II 21 ff
See also: Post-Admission Inquiry

Preparation for Handicapped Student: II 61

Program Accessibility - Operation & Methods: A 3 ff; A 6-10; B 9
Bookstores: NTF 13
Conflicting State Laws or Restrictions: NTF 8
Historic Buildings: NTF 16
Limited Resources for Construction Adaptation: NTF 37
Move to New Facilities: NTF 17
New Construction: NTF 15
Nondiscrimination: B 9
Off-Campus Events: NTF 9
Physically Difficult or Impossible Program Components: NTF 27
Restriction to Particular Course Section for Access: NTF 26
Seating at Special Events - Games, Performances, etc.: NTF 23

Projection: II 9

Qualified Handicapped Person: B 10; DC 24

Reasonable Self-Help: A 3; Section C, Introduction; II 4, 17, 57

Recipient: ii; B 10; II 1

Recruiting: NTF 21

Remedial Action: B 10

Right To Fail: A 10; II 12

Rights of Access - General: B 6; NTF 8,9,10,11
Student Right of Access vs. Faculty Right To Determine Academic Policy and Standards: A 8, 10

Sample Problems: II 63 ff (ch. 10)

Separate Programs: B 4,5: FR 84.4(b)(1)(iv); (b)(3)
See also: Integrated Setting: B 7, 8; NTF 6; II 17

Scenarios: Three Role-Played Situations: II 23 ff

Snow and Ice Removal: NTF 14

Social Organizations: B 11

Special Access Routes to Classrooms, etc.: NTF 12

Special Education - Policy of Segregating the Handicapped: II 10

Spirit & Philosophy of Academic Accommodation: II, Ch. 3; 15ff

Standards of Academic Performance: A 10
To Be Maintained: A 10; II 4, 15, 47, 59
As an Excuse to Exclude Handicapped Students: II 60
versus Student Right to Access: A 8, 10

State Vocational Rehabilitation Agencies: NTF 33

Strategies for Faculty Accommodation: A 3 ff; II 57 ff; II 71-75

Students From Foreign Countries: NTF 20

Tape Recorders as Auxiliary Aids: B 11; NTF 29

Temporary Impairments: NTF 1

Terms for Disability: II 3

Tests: See Examinations

Time Management & Scheduling: A 5-6; II 57, 58
Due Dates for Assignments: II 58, 59
In-class Writing: II 58

Traditional Thinking Barriers: A 9-10; II 45-47
--By the Courts: II 55

Vocational Rehabilitation Agencies: NTF 33

Voluntary Action: B 11

Workshop Goals and Expectations: II 6-7

Workshop Programs
Model I - One-day Workshop: II 67-68
Model II - An Evening Workshop: II 68-69

PART I

Section A

INTRODUCTION

THE FACULTY ROLE: NEW RESPONSIBILITIES IN ASSURING PROGRAM ACCESS

P. S. Jastram

THE FACULTY ROLE

New Responsibilities for Program Access*

P. S. Jastram

"Like Hell I will."

"Is the lab required in the program?"

"Yes."

"Then you have to admit him; that's the law."

"Even if he's blind? How's he going to do titrations?"

"You'll find a way. You and the student. Together."

"But dammit, I'm responsible for his safety--not to mention everyone else in the room. How would he know what he's pouring--where?"

"How does he do it at home? I don't know, but he knows. Embossed labels, maybe. You're the Doctor--you'll think of something. But sit down and talk with him."

The chemistry professor still wasn't convinced:

"You're not saying that every course has to be open to every handicapped student ...?"

"Every course. And every program."

"What if a student simply can't do something you think is an essential part of the training?"

"What do you do, Professor, if you have to move a table that's too heavy for you?"

"I get someone to help."

"Yes."

* First published in Assuring Access for the Handicapped, Ed. M. R. Redden, Jossey-Bass, Inc., San Francisco (1979).

The world which man has constructed for himself is made by and for the able-bodied and the able-minded: for those who can climb stairs, turn doorknobs and faucets, see where they're going, hear sirens, voices, and whistles, commit instructions quickly to memory. Our educational facilities and programs--as in other respects--reflect the values of that world.

Of course, handicapped students have gone to college before; students confined in wheelchairs have made it with the help of friends who carried them over stairs; blind students have learned to navigate complicated university campuses and cope with vast amounts of printed material with a skill that looks miraculous to the sighted. Higher education has always had an obligation to serve the qualified student, handicapped or not. So what's new?

What is new is a <u>legal</u> obligation to provide access; to reduce or remove barriers in such a way as to eliminate discrimination against the impaired but otherwise qualified student; institutionally to provide the impaired student with the same program opportunity and access as the unimpaired, and to minimize the differences. The need for physical access is obvious. But program access, for the handicapped, is not just a matter of ramps, elevators, doors wide enough for wheelchairs, readers, tapes, or books in braille for the blind or interpreters for the deaf. It is also a matter of attitudes, and, in particular, of faculty and staff learning to deal with a set of largely unfamiliar problems. Two of these continually recur: the question of how much special assistance to offer, and what special accommodations must or should be made to a handicapped student's particular limitations.

ASSISTANCE

To the first issue--assistance--the short answer is: the right kind; enough, and not too much.

No two people have exactly the same set of things they can and cannot do. Each has capabilities and degrees of independence that are the more valued because of the limitations and dependences. It is essential that faculty and staff members become acquainted with each handicapped student as an individual. A faculty member may quite appropriately ask a student how he or she can accomplish a certain task required for course completion. The student probably has faced such a task before and has devised a perfectly acceptable alternative way of performing it; but if not, a discussion between them about the elements of the task and its usual accomplishment can usually result in agreement on a solution. Otherwise they can seek counsel from those who have dealt with similar problems elsewhere on campus or even on other campuses.

Naturally, students will differ in their ability to come up with a solution. For some, whose disability is of long standing, the adjustment will primarily involve the application of already acquired skills to cope with the campus environment. But others, either because they are only recently disabled or because they have been in a sheltered environment, may still be in the midst of developing their own basic skills, and learning new ways of coping and adapting. For the latter, the campus experience combines general rehabilitation with academic education. The combination can add up to a formidable load. The institution that is serious about maximizing the chances for success will make sure that the student has a faculty adviser on sufficiently close personal terms to keep track of his or her progress, and be aware of signals warning of difficulties in time to take corrective measures. A delicate balance is involved, and the criterion of "reasonable self-help" is essential. The student who is in the rehabilitation phase must not be deprived of the opportunity to gain from the campus experience the training and skills needed to overcome the world's surmountable obstacles. This student may simply need more support, not unlike the support needed by some able-bodied students who arrive on campus unprepared for new experiences and responsibilities.

ACCOMMODATION

The second problem category--accommodation--has many components some of which are primarily the faculty's responsibility and central concern, and others of which are not.

Physical Accommodation

The general physical-environment arrangements normally required--curb cuts, ramps, railings, hand-holds, wide doors, desk-level work benches, readers, tape recorders, interpreters, special transportation, and so on--are obvious and are not matters for which the faculty have primary responsibility. However, if changes must be made in classrooms or departmental facilities, the faculty members involved should be consulted and participate in the planning so that the changes facilitate full access for all handicapped and ablebodied students likely to enroll in the program. With disabled students, they should join physical plant administrators, designers, and compliance officials in designing access that avoids the pitfalls of providing access for one disability group while making the facilities inaccessible to another, and of initiating expensive adaptations when less expensive modes may be even more effective. Faculty who have consulted with disabled students and designers can testify to the effective solutions this collaboration assures.

Instructional Accommodation

Faculty involvement comes directly and centrally into play in devising ways to make instruction accessible to the student

with an impairment. Here again, personal consultation with the student is the key to securing the best possible solution to communication and learning problems. Small adjustments in technique or method of presentation may be all that are needed to make a decisive difference. The mere act of taking care to say aloud everything that goes on the blackboard, along with verbal descriptions of diagrams, will include the blind student in the exposition. Careful use of language that avoids dependence on expression or tone of voice will facilitate accurate, unambiguous sign-language translation to a deaf student. Inventiveness comes into its own in devising such aids as unconventional types of read-out for laboratory instruments--an audible indicator instead of visual or vice versa. A digital voltmeter or pH meter might be equipped with a scanning circuit that reads out the digits successively as musical tones. (Our mythical chemistry professor may find that a little ingenuity can make a great deal of the laboratory experience directly accessible to a student with impaired vision, hearing, or dexterity.) Often because of extensive knowledge of a field and the technology used to work in it the instructor will know of alternative devices or methods that can be used to bypass a standard method while fulfilling the learning goals of the course. Working with a student who knows ways of coping with the disability, the faculty member can come up with an alternative that can serve the student not only in the course but also in similar situations in life, and can also serve other students with similar disabilities in the future.

Examinations

Individual arrangements may be required for students with certain types of impairments to take examinations. The essential point is that, as closely as possible, the test and the circumstances under which it is taken should provide the same measure of the handicapped student's mastery of the material as that of the rest of the class. Sometimes this may be accomplished simply by giving the same test in a different setting: for a blind student, the test may be read aloud, or offered on tape or in braille. A student who has trouble writing may be allowed to use a recorder. A deaf student may take an oral examination with the aid of an interpreter, with the variant of communicating either the questions or the responses in writing.

Another solution to testing problems involves alternative methods for evaluating learning. For instance, multiple-choice examinations may be substituted for essays, or vice versa; and special assignments or time-limited take-home examinations may be substituted for in-class examinations as a means of obtaining a valid measure of the handicapped student's achievements.

In all cases, the criterion is that the handicapped student receive the same substantive evaluation as the other students. As Regulation 84.44(c) states, "In its course examinations, ...a recipient...shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represent the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure)."

The Time Handicap

It is likely that a handicapped person will require more time, or will have less net time available, to accomplish a given task than the able-bodied. The "time handicap" will in many cases be accommodated within the normal degree of slack in the academic schedule; but in others it may be severe enough to produce serious overload if the student's limitations are not correctly assessed and taken into account in designing the program. In most cases the handicapped student can be expected, as can others, to take responsibility for management of time, including discussing serious problems of overload with the faculty member in order to find a solution. When both decide that the overload problem will not diminish in time nor yield to better planning or more efficient study habits, accommodation may be in order. Again, let me caution, I do not mean to imply that excusing the student from necessary requirements is an acceptable solution. Customary solutions satisfactory for other students who, for some reason, have needed extra time may have involved a reduction of course load to provide more time between classes for preparation and review, extension of time limits to complete assignments, or assistance such as tutoring. In the case of handicapped students, some administrative adjustments may have to accompany those made by the faculty member. For instance, if a reduced course load would mean that the student would not be considered as enrolled full time, this option might result in reduced campus privileges, such as access to sporting and cultural events, beneficial to the student's college experience. In some cases it could result in denial of rehabilitation services which require full-time-student status for funding. A further problem caused by time extensions may be conflict with a rule that credits toward a degree must be earned within a certain period--a requirement which cannot be met under an extended schedule maintained throughout the student's matriculation. Solutions to such problems require that the faculty member and the student work with administrators who can authorize exceptions that are justified under the circumstances. Some students have disabilities which will require time adjustments only temporarily and, in these cases, periodic re-evaluation can reduce and eventually eliminate the extension. This process can be an important learning experience for a disabled student who is taking increased responsibility for the management of his or her

life. Other students may have to establish life-long patterns of giving themselves more time to complete certain tasks. Unless an institution would, for some reason, deny its educational opportunities to students simply because, for the rest of their career, they would probably need more time than average to complete certain tasks, the institution should expect to adjust its time requirements to make the program as available and effective for the disabled student as for others.

A final word on this subject: disabled students are not immune to the same general problems with time limits that other students have, and they may need the pressure of a possible incomplete or failing grade to spur them on to greater effort or better use of time. As with all students, the proper balance must be found between insistence on appropriate course and program requirements and accommodation to individual difficulties. A handicap must not be permitted to become a shield that insulates the student from legitimate performance standards and demands.

Program Accommodation

To understand concretely the type of conflict between academic standards and expanded access for the seriously handicapped that may arise on many campuses, consider the following statement by faculty members of a medical college that they recently issued to cite problems they anticipate in training handicapped students:

> The Faculty of the Medical College believes that it is essential for all medical graduates to be well-rounded physicians prepared for a variety of careers. Further, the faculty requires every medical student to master a common body of basic science knowledge and to master the principles, knowledge, and procedures of the clinical program.
>
> It is further the belief of the faculty that every graduate must first be a good general physician capable of taking a complete history and doing a complete and accurate physical examination. Beyond this, certain basic procedures need to be mastered by all graduates so that they will understand precisely what is being performed on their patients in the future, even if they will not do all such procedures throughout their career. For these stated principles, each and every student should pass a urethral catheter, draw blood, start intravenous infusions, pass a naso-gastric tube, perform a lumbar puncture, participate in the delivery of a baby, scrub on surgical procedures performed in the operating room, participate in the

performance of laboratory procedures, specifically measuring hemoglobin, doing microanalysis of the urine and doing a blood glucose analysis and others. The cumulative experience derived from the performance of these procedures is essential for the student to develop his or her own first-hand perspective on the validity and limitations of all such techniques. Knowledge of how clinical procedures are performed is important but insufficient to imbue the physician with a lasting ability to assess the value of the information provided by tests and procedures. Knowledge must be enhanced by the emotional and physical experience of involvement in the technical aspects of patient care.

In the belief that these basic experiences are an essential preparation for all physicians, the faculty cannot waive or make substitutions for these requirements.

Admission of an applicant to the Medical College is an indication that the student possesses the characteristics necessary to meet the requirements of the curriculum. The following characteristics are not exclusive nor exhaustive, but basic:

1. Sufficient intellectual ability to absorb and utilize the basic body of knowledge necessary to practice medicine competently.

2. Sufficient emotional stability to insure patients that responsive and consistent performance will be provided to the patient.

3. Sufficient physical ability, stamina, and coordination, that all the above procedures and others could be performed by the student.

Although the Medical College cannot make pre-admission inquiry regarding physical or mental handicapped conditions, the extent to which applicants possess these characteristics will be assessed in interviews, and individuals who, in the judgment of the Admissions Committee, do not possess the intellectual ability, the emotional stability or the physical ability will not be accepted by the school.

> There is no admissions process which is perfect. We believe, however, that this is the best process we can devise to ensure the public that the Medical College will graduate competent, responsible physicians.

The uncompromising nature of the statement is not just for display but is a genuine expression of professional concern, in the context of what is perceived to be one more of a series of episodes of external interference with the proper authority of professional faculty to establish and implement performance standards. The essence of the argument is that there are some situations in which handicap disqualifies.

How do Section 504 and the attendant regulations resolve the apparent conflict between the right of faculty to establish policy and the right of handicapped students to be admitted and attain access to professional training? The essence of the law is that both the student and the institution must make a good-faith attempt:

> A recipient...shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped application or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such a student or to any directly related licensing requirement will not be regarded as discriminatory...Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. (Fed.Reg. 84.44(a))

The authority of institutional policy makers is acknowledged. But the regulation makes it clear that this authority is neither absolute nor final. The second sentence of the regulation states "Academic requirements that the recipient <u>can demonstrate</u> are essential to the program of instruction...will not be regarded as discriminatory...." Authority is thus tempered by accountability. The possibility exists that external judgment may be applied to ensure that asserted professional necessity for exclusionary requirements is <u>bona fide</u>. In setting standards and requirements, the institution and its faculty do so within a framework in which an arbitrary act may be questioned, challenged, and possibly overturned.

There will probably be no more persistent or difficult problem for faculty members than the question of how far it is reasonable or appropriate to go in waiving specific requirements of modifying significant skill-developing exercises in order to accommodate the limitations of a particular handicapped student. If a certain number of hours observing through the college telescope are generally required of undergraduate astronomy majors, does this condition legitimately exclude the student who cannot physically get to or use the telescope from majoring in astronomy?

> Observational astronomy in fairly sophisticated forms was practiced over thousands of years in many cultures before the first telescope was invented.

Does inability to hear present such an essential obstacle to the study of music that limiting the student's work to what can be done visually defeats the value and purpose of the instruction?

> Beethoven became aware of the contrapuntal glories of Palestrina's music in late career, after he had become totally deaf. He absorbed it--visually--so completely that it formed the basic medium and style of the late quartets.

May normal reading requirements in an English literature or foreign language course be legitimately reduced in the case of a blind student whose dependence on a reader or tape recorder results in substantially slower-than-average coverage of the material?

> And if not, would we then have excluded Milton and Homer from the company of English or Greek majors? (Exceptional cases, no doubt, but offered more in the spirit of stimulating awareness than of exemplifying norms.)

The dilemma posed by the laboratory sciences is epitomized by the skeptical chemistry professor at the beginning of the chapter. Faculty members in scientific and technical fields usually insist that direct personal performance of certain techniques and procedures is essential in order to understand the subject; that the emotional and intuitive impact of doing them directly cannot be obtained vicariously. The physicist maintains that no mere description of an experiment can be an acceptable surrogate for actually doing it. To a botanist, there is no satisfactory substitute for that first look at cell structure revealed directly by the microscope. To the electronics engineer, no amount of descriptive exposition can take the place of constructing a circuit and coaxing it to work. If impairment prevents a student from performing physical tasks deemed essential to training or understanding, then, as with our medical college colleagues, it is likely to be argued that the disability renders the student unqualified.

Some impairments or combinations of impairments may indeed present an insurmountable barrier to effective performance. The basic problem is that in making predictive judgments, the unimpaired consistently underestimate the capabilities of the obviously handicapped, both as to what they can do, and as to what they can learn from unconventional ways of doing things. Hidden handicaps, such as learning disabilities, on the other hand, often meet with skepticism, disbelief, and unrealistic expectations of specific types of performance. Often the only way to find out whether a student can successfully negotiate a program is for the student to try it. Prior exclusion then would foreclose not only opportunity, but also the only valid evaluation process available. The right to the chance to succeed implies the corresponding right to the chance to fail.

There is clearly an inherent potential conflict of rights: the right of the student to gain access to the program versus the right of the faculty to determine the methods of instruction, the standards of satisfactory academic performance, and the program requirements.

The road to resolution and compliance with Section 504 is accommodation by both parties to the individual's problems. The essential ingredient is a positive "can do" approach, together with a mutual effort with the student to find satisfactory ways of accomplishing essential tasks. Apparent deadlocks over matters of general principle often dissolve when stereotypes and classes of handicap are set aside in favor of dealing with the student as an individual, making the same realistic evaluation of strengths and weaknesses as for any other student. In the process there is a healthy tendency to stand down from the defence of the academic-standards bastions against the perils of the unfamiliar, and instead to seek positive avenues of success.

The question is not, for example, "whether a blind student can make it through medical school." The answer to that is known: it's been done, and the law forbids exclusion on the basis of handicap. The proper questions are, first, "Is the applicant otherwise qualified, judged by the same standards and criteria used for all applicants?" and, second, "What special problems need to be solved to make access possible in the face of the student's particular disability?"

In this context, the faculty should be willing to review its requirements in order to distinguish what is essential from what may be a carry-over of custom, past practice, or instructional habit, and to explore and evaluate alternative approaches. The result should not be dilution; the student should be required to meet the essential requirements of the program, in some acceptable form. Accommodation is a shared responsibility.

Section 504 requires nondiscrimination, not affirmative action. The path to institutional grace lies not in quotas or statistics, but in excising discrimination from the treatment of each individual. It would be as improper to give preference to a student competing for admission to a program on account of handicap as to exclude him because of it.

Faculty-Resource Persons

We have seen that faculty involvement with special problems of handicapped students arises directly in the customary acts of instruction, counseling, and setting program standards and requirements. There is a need for an additional faculty function, not part of conventional service, that grows out of the particular nature of Section 504.

Most laws enjoin or require specific acts: "Thou shalt not park thy steed here," "Thou shalt pay the internal revenuer," etc., but Section 504 prohibits discrimination and, under the derivative regulations, requires access to programs. While general guidelines can be established*, this requires positive action in which the details of compliance must be worked out for each individual campus, and ultimately for each affected student.

There should be at least one faculty member on each campus who is familiar with the law and the attendant regulations, and also with the government and independent agencies that provide services, materials, information and assistance to handicapped people. Such a resource person can make a decisive contribution to solving the practical problems that arise in achieving compliance with Section 504 in the context of his own institution.

As physical and program access evolve from goals to accomplished facts and become generally known, the investment in time and money will pay off as handicapped students who would once have assumed the barriers too high for them to manage are encouraged to try for the opportunities which higher education offers. And that is the name of the game: in the words of Federal Regulation 84.43(a):

> No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic...program or activity...

---

* Guide to the Section 504 Self-Evaluation, G. Richard Biehl. National Association of College & University Business Officers. (1978)

Section B

THE LAW AND THE FEDERAL REGULATIONS

Section 504 of the Rehabilitation Act of 1973, as amended, states that

> No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The regulations in the following pages are from the May 4, 1977 Federal Register and are rearranged by topic.

Access to Programs and Courses NTF 26

FR 84.43(c) A recipient may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity. ---But see Davis Case

Accommodations - Measures Taken to Achieve Access
(See also Program Accessibility)

Academic requirements FR 84.44(a) A recipient shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

Course examinations FR 84.44(c) In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual or speaking skills (except where such skills are the factors that the test purports to measure).

Physical accommodations NTF 26

Rules preventing access are forbidden FR 84.44(b) A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

Admissions DC

FR 84.42(a) Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient.

No numerical or percentage limits FR 84.42(b)(1) A recipient may not apply limitations upon the number or proportion of handicapped persons who may be admitted.

Testing FR 84.42(b)(2) In administering its admission policies, a recipient may not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Director of the Office for Civil Rights to be available.

(b)(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons.

Affirmative Action

DC: The U.S. Supreme Court ruled that "...neither the language, purpose, nor history of Section 504 reveals an intent to impose an affirmative action obligation on all recipients of federal funds."

Aids for Personal Use or Study NTF 31

FR 84.44(d)(2) Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Auxiliary Aids

Institutional obligations FR 84.44(d)(1) A recipient shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

FR 84.4 (b)(2) Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

Obligation to provide not related to student's ability to pay NTF 28

Brailled or taped material for blind students NTF 32

Tape recorders as auxiliary aids NTF 29 (See "Tape Recorders...")

Role of state rehabilitation agencies in higher education NTF 33

Construction and Renovation of Facilities NTF 15

FR 84.23(a) Design and new construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this regulation.

(b) Alteration. Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this regulation in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) American National Standards Institute accessibility standards. Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 [R1971]), which is here incorporated by reference shall constitute compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

Counseling and Placement Services

FR 84.47(b) A recipient that provides personal, academic, or vocational counseling, guidance, or placement services to its

students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

Discrimination Forbidden

FR 84.4 (a) General. No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) Discriminatory actions prohibited. (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program.

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separable or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

Employment

Assistance in making available outside employment FR 84.46(b) A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate the regulations on employment practices if they were provided by the recipient.

Of students FR 84.46(c) A recipient that employs any of its students may not do so in a manner that violates the regulations on employment practices.

Examinations and Tests

FR 84.44(c) In its course examinations or other procedures for evaluating students' academic achievement in its program, a

recipient shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represent the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

Financial Assistance

FR 84.46(a)(1) In providing financial assistance to qualified handicapped persons, a recipient may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

General Rights of Access

FR 84.43(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extra-curricular, or other postsecondary education program or activity.

(b) A recipient that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons.

(c) A recipient may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient shall operate its programs and activities in the most integrated setting appropriate.

Handicapped Person NTF 3

FR 84.3 (j) A "handicapped person" means anyone who

---has a physical or mental impairment which substantially limits one or more major life activities,

---has a record of such an impairment, or

---is regarded as having such an impairment.

Housing

General: NTF 11, 15, 16, 17.

Specific: NTF 34, 35.

FR 84.45(a) Housing provided by the recipient. A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. Such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) Other housing. A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

Institutions and Progams in Postsecondary Education to Which the Law and Regulations Apply

FR 84.41 The regulations apply to postsecondary education programs and activities, including postsecondary vocational education programs and activities, that receive or benefit from federal financial assistance and to recipients that operate, or that receive or benefit from federal financial assistance for the operation of, such programs or activities.

Integrated Setting NTF 6

Mainstreaming

Separate Programs

FR 84.4 (2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit,

or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

FR 84.43(d) A recipient shall operate its programs and activities in the most integrated setting appropriate.

Physical Education and Athletics

FR 84.47(a)(1) In providing physical education courses and athletics and similar programs and activities to any of its students a recipient may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirement of operating programs in the most integrated setting appropriate to the handicapped persons' needs, and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Pre-admission Inquiry NTF 22

FR 84.42(b)(4) Except as provided under a program of remedial action, or of voluntary action to overcome the effects of conditions that resulted in limited participation, a recipient may not make pre-admission inquiry as to whether an applicant for admission is a handicapped person.

Restrictions, when permissible FR 84.42(c) When a recipient is taking remedial or voluntary action to achieve compliance, the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, provided that:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept

confidential, that refusal to provide it will not subject the application to any adverse treatment, and that it will be used only in accordance with this part.

Post-admission Inquiry NTF 22

FR 84.42(b)(4) After admission, a recipient may make inquiries of the applicant on a confidential basis as to handicaps that may require accommodation.

Program Accessibility - Operation & Methods

Nondiscrimination FR 84.21 Discrimination prohibited. No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participating in, or otherwise be subject to discrimination under any program or activity to which this part applies.

Operation and methods (See also Accommodations...) FR 84.22(a) Program accessiblity. A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) Methods. A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section, a recipient shall give priority to those methods that offer program and activities to handicapped persons in the most integrated setting appropriate.

Bookstore NTF 13

New construction NTF 15

Historical buildings NTF 16

Move to new facilities NTF 17

Seating at special events--theater, lectures, football games NTF 23

Standards for determining essential elements of academic programs NTF 25

Restriction to particular section for access--permissible? NTF 26

Physically difficult or impossible activities or requirements NTF 27

Limited construction or adaptive resources NTF 37

Conflicting state laws, restrictions, or requirements NTF 8

Off-campus events NTF 9

Qualified Handicapped Person DC p. 24

FR 84.3 (k)(3) (In postsecondary and vocational education): A handicapped person who meets the academic and technical standards requisite to admission or participation in the institutional education program or activity.

Recipient

FR 84.3 (f) "Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient,...but excluding the ultimate beneficiary of the assistance.

Remedial Action

FR 84.6 (a)(1) If the Director of the Office for Civil Rights finds that a recipient has discriminated against persons on the basis of handicap in violation of Section 504 or this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of Section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of Section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program

when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

Social Organizations

FR 84.47(c) A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by these regulations.

Tape Recorders as Auxiliary Aids NTF 29

FR 84.44(d)(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

Voluntary Action

FR 84.6 (b) A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

Section C

NACUBO TASK FORCE REPORT

SECTION 504 ISSUES AND ANSWERS IN HIGHER EDUCATION

Issues and Answers for Implementing Section 504

Section 504 is a civil rights law that guarantees equal opportunities for handicapped persons. It is based on the conviction that such individuals are able to perform effectively and successfully in all phases and at all levels of society.

Providing equal opportunities for handicapped persons may require specific action by higher education institutions, such as removing barriers or overly restrictive rules that disqualify or limit handicapped participation; but compliance with section 504 may often be achieved quite simply by permitting handicapped persons to work and to learn on the same terms as others.

The intent of section 504 is to give every individual, regardless of handicap, a chance to develop and use his or her talents and potentials to their fullest. Planning for compliance must begin with this as its premise and attention must be focused on finding approaches that maximize personal freedom and independence.

A full understanding of section 504 as a civil rights law demands a strong sense of the dignity, resourcefulness, and independence of each handicapped individual. The handicapped individual has the responsibility for his or her own life and the directions that it will take. To exercise their rights, and to exercise these personal responsibilities to their fullest, handicapped individuals must have opportunities to plan for themselves and to choose learning and career paths that are best suited for them as individuals.

While institutions of higher education must, under section 504, make accommodations and adjustments for handicapped persons, handicapped persons in turn have a clear obligation of "reasonable self-help." This principle is fundamental to section 504. It affirms that handicapped individuals will reap the benefits of their good judgment and responsible actions; conversely, this principle makes explicit that handicapped persons are expected to take equal responsibility for individual actions or personal working and learning experiences.

The members of the NACUBO task force who are handicapped took the lead in advocating the obligation of reasonable self-help. This obligation adds dignity and strength to the civil rights concept that governs section 504. Handicapped individuals on campus are likely to be equally strong advocates for their own independence and self-sufficiency. They should be fully involved in section 504 planning and compliance activities to insure that civil rights and reasonable self-obligations influence institutional decision making.

The touchstone of section 504 is integration and not segregation. While it may be tempting to undertake special efforts for handicapped students and employees, or to establish special of-

The following positions have been developed by the NACUBO Task Force on Section 504, which has been active since fall 1978 to address complex issues and questions related to higher education's implementation of section 504.

The work of the NACUBO Task Force on Section 504 was made possible by Contract No. 300-78-0288 between the American Council on Education and the Department of Health, Education, and Welfare. This project is a part of the interassociation effort — Higher Education and the Handicapped (HEATH) — to provide colleges and universities with information and technical assistance on section 504.

The process of identifying issues for this task force effort used as its departure point Guide to the Section 504 Self-Evaluation for Colleges and Universities, *the product of NACUBO's previous (1978) effort under the HEATH program. It is felt that the positions addressed by the task force are a natural complement to material presented in the NACUBO guide.*

The following positions were drafted to be consensual in nature and reflect the interests and concerns of all parties presently involved in section 504 implementation. The task force's objective from the outset was the achievement of consensus among persons representing diverse backgrounds and interests. Through the composition of the task force and the work it has performed, it is believed that this objective has been met satisfactorily.

Although the following positions do generally represent consensus among task force members, reflecting a strong sense of the group, issuance of these positions does not imply that all members of the task force are in full agreement with every position adopted by the group.

It must be emphasized that these positions have not been formally cleared as positions of the federal government. They have not been formally approved by HEW. However, they have been reviewed by and discussed in great detail with representatives of HEW's Office for Civil Rights, and there is agreement that they conform to the intent of the statute and implementing regulations. NACUBO and the American Council on Education have submitted these positions to OCR Director David S. Tatel for his agency's formal approval and endorsement.

NACUBO encourages the reprinting and dissemination of this report. The report is not copyrighted and no permission is needed prior to republication and distribution.

Reprinted from the July 1979 issue of Business Officer
1979 National Association of College & University Business Officers

fices or administrative units to serve handicapped persons, separate or different treatment of handicapped persons is only permitted under section 504 when it is absolutely necessary to achieve full participation. The creation of separate or independent administrative structures devoted to handicapped issues should be avoided whenever possible, since these may lead to unnecessarily separate or different treatment of handicapped persons. There should be centralized *planning* for section 504, but institutions should avoid the temptation to over-centralize *authority* over all programs and activities.

Section 504 does not mandate the creation of new programs and activities for handicapped individuals. It mandates the accessibility of programs and activities that already exist, and a full integration of handicapped persons throughout existing programs and institutional structures. Over-centralized authority for section 504 will be detrimental to handicapped students and employees, and perhaps to the institution, to the extent that it leads to the creation of separate programs or procedures that are not required under section 504 and are not necessary to achieve equal opportunities.

Section 504 does not address the personal needs of handicapped individuals, or any personal issues related to rehabilitation or care. Rehabilitation and personal care are not institutional responsibilities under section 504; they are the responsibilities of the individual handicapped person. Civil rights and equal opportunities should be the sole, intent focus of institutions of higher education in their work related to section 504.

Section 504 encourages equal opportunity for the handicapped through common sense, negotiation among reasonable persons, and respect for one another's dignity and independence. These are the most useful tools in section 504 problem-solving. With these tools and the diverse backgrounds and interests of task force members, the NACUBO task force addressed a number of questions commonly asked by college and university administrators, section 504 coordinators, students, and representatives of the handicapped community. It has arrived at consensual positions which it is hoped will be useful.

1 Do temporary impairments (such as those resulting from football or automobile accidents — cracked ribs, broken legs) necessitate the same kind of treatment and consideration by the institution as impairments of a permanent nature?

Position. Although impairments such as cracked ribs or broken legs would appear to be covered under section 504, the task force believes that it should be permissible, due to matters related to timing and reasonableness, for the institution to exercise greater flexibility in matters related to temporary impairments of this nature.

The task force feels that HEW clarification is necessary on this issue. Institutions need guidance, for example, on differentiating between impairments that are "permanent" and "temporary." Definitions or standards in this area are needed before any institution will be able to make informed and consistent decisions. Also, since the principle of "reasonable accommodation" does not apply to students and other program participants (but only to employees), the task force feels that it would be inappropriate for students with temporary impairments such as cracked ribs and broken legs to command the full array of rights and privileges granted under section 504.

Without regard to section 504, institutions have long undertaken responsibilities to meet individual needs of students with temporary impairments. Accommodations *should* be made for persons who express a desire to return to school or work during the period of recovery from temporary disability. However, *requiring* an institution to follow the strict requirements of section 504 in such cases (and to reschedule classes or make modifications in facilities) would be inappropriate. Accessibility should be achieved in individual instances to the extent possible, and flexible approaches should be developed so that the student does not suffer unnecessarily from his or her temporary impairment.

It should be emphasized that this position does not address temporary impairments that are clearly within the section 504 definition of "handicap." It addresses solely impairments of the nature of cracked ribs and broken legs.

Southeastern v. Davis

The positions recommended by the task force in this report were prepared prior to the U.S. Supreme Court decision in *Southeastern Community College v. Davis*. In that case the court ruled that a professional school may impose a legitimate physical requirement in admissions and need not substantially modify program content to accommodate a handicapped applicant.

2 How does section 504 apply to persons whose handicaps have been artificially corrected (e.g., a hearing-impaired person who uses a hearing aid or a visually-impaired person who uses corrective lenses)?

Position. If an individual uses (or could use) a hearing aid, corrective lenses or other such aid that is (or would be) effective in making programs and activities accessible, the institution is under no obligation to provide additional auxiliary aids should that person choose not to use his or her personal aid. For example, an institution need not provide an interpreter for an individual with a hearing impairment if the individual could achieve effective hearing by using a hearing aid. However, the institution should not assume that such corrective aids will be effective for all persons or for any individual under all circumstances. A person using a hearing aid, for instance, may have no or limited speech ability, requiring the use of a *reverse* interpreter. Or due to a malfunction of the aid a temporary interpreter may be required.

The issue of whether or not a particular handicap may be corrected effectively by a personal aid is one that the institution and individual will have to resolve on a case-by-case basis. Section 504 imposes requirements upon the institution, and not the individual student or employee. However, there must be a *shared responsibility* in such circumstances and the individual has an obligation of reasonable self-help.

It should be clear that the institution has *no* obligation to provide individuals with personal aids, such as hearing aids and corrective lenses.

3 Can some clarification be provided of the term "being regarded by others as handicapped" in the definition of "handicapped" persons?

Position. This term would appear to broaden the coverage of section 504 and expand the statute's protections so that all persons, not merely "handicapped persons," are protected from discrimination based on handicap. This phrase makes discrimination on the basis of handicap prohibited whether or not the person who is discriminated against is a "handicapped person," as defined. If someone "regarded by others as handicapped" who is *not* "handicapped" is discriminated against on the basis of handicap, he or she is protected under section 504. In a sense, this phrase broadens the protected class to include everyone and prohibits the "act of discriminating," regardless of the physical or mental

condition of the subject of the discrimination.

4 Are there any guidelines that may be employed by the institution to assist with determinations regarding whether someone is having a disruptive impact on any program or activity?

Position. The same standards of action, codes of performance, and levels of disruption should apply to everyone, regardless of handicap. Institutional rules and regulations need not be altered or changed in any way as a result of section 504. Disruptive or abusive behavior, regardless of whether the perpetrator is handicapped or nonhandicapped, will have to be treated locally on a case-by-case basis.

5 What is meant by the term "significant assistance" and how does it apply to different areas of operation, such as off-campus housing, bookstores that are not owned or operated by the institution, providers of social and recreational opportunities for students, and other services and activities?

Position. The task force did not feel that it was appropriate to define this concept, which is an integral concept in the HEW regulations on which a variety of institutional actions will have to be based. Rather, it strongly urges HEW to define this term and provide specific examples of actions that it intends to be encompassed by "significant assistance."

6 To what extent should institutions develop separate programs and activities for handicapped persons?

Position. Section 504 does not require, and in fact discourages, the creation of separate programs and activities for handicapped persons. The self-evaluation process will involve an analysis of all existing programs and activities of the institution. Modifications in these programs and activities shall be made to ensure opportunities for full participation and an integration of handicapped persons in existing programs and activities to the maximum extent possible. The regulations prohibit separate programs for handicapped persons unless they are necessary to afford equal opportunity. If problems are identified in the Self-Evaluation, existing programs and activities shall be modified whenever possible, rather than new programs created with the potential for new barriers to one's ability to function in the "most integrated setting appropriate."

While it may be tempting to create new programs and take initiatives to "do something for the handicapped," the basic objective of section 504 is ensuring full participation, a matter that may frequently require little more than an open mind. "Doing more for handicapped persons" may in some instances result in doing less for handicapped persons in their desire to function in an atmosphere free from barriers to equal opportunity. Overreacting to the section 504 requirements will not work to the benefit of the institution or its handicapped students and employees.

Although centralized planning for section 504 compliance is recommended, institutions should avoid the temptation to overcentralize authority over all programs and activities, since centralized authority may lead to separate programs and activities for handicapped persons that are not required and may not be necessary. To ensure full participation by handicapped students and employees "in the most integrated setting appropriate," it is recommended that authority be decentralized and that all persons responsible for substantive programs and activities of the institution be involved in phases of the Self-Evaluation that pertain to other operations. Institutions that already have "coordinators" with broad authority should ask whether or not separate programs or activities are necessary to eliminate barriers to full participation.

It should be noted that the HEW regulations state clearly that despite the existence of permissible separate programs and activities for classes of handicapped persons, individual handicapped persons must always be afforded opportunities to participate in any programs or activities that are not separate or different.

7 Should additional information be provided to institutions regarding the relationship between the Transition Plan and Self-Evaluation required under section 504?

Position. It should be clear to all institutions that facilities considerations are secondary to program considerations under section 504. Section 504 requires that all programs and activities be accessible. It does not specifically require that any particular campus building or facility be accessible without first considering the programs and activities that will be housed within.

The Office for Civil Rights may have used somewhat faulty judgment in requiring institutions to complete a Transition Plan (analyzing all facilities for their accessibility) six months prior to the required completion of the Self-Evaluation (analyzing all programs and activities, and methods for making them accessible). Section 504, after all, is primarily concerned with program accessibility, as opposed to facility ac-

NACUBO Task Force on Section 504

Gene M. Nordby, *Chairman*
Vice President for Business and Finance
Georgia Institute of Technology

James Bennett
Director of Section 504 Technical Assistance
Department of Health, Education, and Welfare, Office for Civil Rights

Phillip Crunk
Special Assistant to the Vice President for Planning and Operations
Associate Professor of Social Work
University of Alabama

Alfred De Graff
Director of Disabled Student Services
Boston University

James Gashel
Chief, Washington Office
National Federation of the Blind

Claire Guthrie
Assistant Secretary and University Counsel
Princeton University

Clinton Hewitt
Assistant Vice President for Physical Planning
University of Minnesota

Philip S. Jastram
Professor of Physics
Ohio State University

Robert S. Menchel
Employment Opportunities Analyst
National Center on Employment of the Deaf
National Technical Institute for the Deaf
Rochester Institute of Technology

Donald R. Moore
Vice President for Student Services
Tulane University

Barbara Murphy
Program Associate for Handicapped and Veterans Affirmative Action
University of Michigan

Jeffrey H. Orleans
Special Assistant to the President
The University of North Carolina

Peggy Pinder
President, Student Division
National Federation of the Blind

Laurie Robinson
Senior Admissions Counselor
University of Michigan, Dearborn

Michele M. Thompson
Assistant Chancellor and Director of Affirmative Action
University of Illinois, Urbana

NACUBO Project Director:
G. Richard Biehl

cessibility. With this reverse order of requirements in the HEW regulations, it is feared that too much emphasis has been placed on the technical standards and specifications required to make a building accessible, and too little has been placed on program accessibility and the relationships between program access and usable space. It is feared that the tone for all section 504 activities on many campuses may have been set by the activities related to completing the Transition Plan — the first major effort required under section 504 — and that a "facilities mentality" may be permeating all section 504 activities as a result.

8 What recourse does an institution have when its state has requirements or special provisions that conflict with, or make difficult or impossible, the accomplishment of actions related to section 504? Examples of such include state legislatures that will not appropriate funds for a state school to make a reasonable accomodation; limitations in state law that discriminate against handicapped persons in insurance or benefit programs; discriminatory state or local housing provisions; or employment criteria in state civil service codes that discriminate against handicapped persons.

Position. In all such instances the institution faces complicated legal dilemmas that are outside of the capabilities of the task force to address. Institutions confronted by such conflicts have a clear obligation to themselves to, if possible, pursue courses of action that will be defensible on some rational basis. The institution should maintain documentation that clarifies that it has made the necessary budgetary requests to comply with section 504 and has clearly delineated its section 504 obligations to the higher approving authority. Such documentation and delineation, however, do not remove or mitigate the institution's obligation to comply fully with section 504. The institution should make it clear to its higher authority that failure to comply with section 504 because of necessary state action, notwithstanding attempts by the institution to secure such action, may result in the imposition of federal sanctions and loss of federal financial assistance.

Clearly, such conflicts should be addressed by competent legal counsel and determinations should be made based on the specific legal and financial environments in which the institution is functioning. Institutions should feel some obligation, for their own sake and for the benefit of their handicapped students and employees, to keep abreast of developments in their states and to inform and educate state legislatures and agencies on the principles of section 504 and their applicability to all institutions of higher education.

9 To what extent is the institution responsible for the accessibility of facilities used for off-campus events, such as museums, theaters, stadia, and so forth?

Position. The institution has an obligation to ensure that such facilities are accessible, on the whole, to the extent that they are: (1) used as a part of any program of the institution; or (2) the subject of significant assistance that the institution provides to the owner or operator of the facility. If such facilities are *not* a part of any institutional program (e.g., an art museum that *must* be visited as a part of an art appreciation course) or significant assistance is *not* extended to the owner or operator (e.g., allowing free advertising in the campus publications), then the institution has no obligation with regard to their accessibility.

In selecting such facilities for use in programs of the institution, the institution should select, whenever possible, those that are accessible *or* receive federal financial assistance of their own and have independent accessibility obligations.

10 What is the proper role of assistants, employed by the institution, in making certain services available to handicapped persons in unique institutional settings (e.g., food service facilities, libraries, bookstores)?

Position. The institution has an obligation to maximize access within such facilities to the extent possible. It is recognized, however, that cafeteria lines, library and bookstore stacks, and other similar facilities may be difficult if not impossible to make fully accessible to and usable by all handicapped persons through structural changes alone.

In such cases, the institution may employ assistants who will perform tasks for individual handicapped persons who *express a desire and a need* for individual assistance of a non-personal nature. Such tasks may include providing meal services, obtaining books or materials in a library or reading room, or gathering books, materials or supplies in a bookstore or similar facility.

It should be noted that the delivery of services in such a manner must be "effective," and that proper notice and training will be required.

The institution should avoid generalizations based on handicap in such instances. Individual assistance should be provided on an individual-by-individual basis to persons who express a desire and a need for such.

11 If an institution leases facilities that are not accessible, should it break the lease and move to an accessible location, since section 504 prohibits the use of inaccessible facilities in cases where programs and activities are inaccessible as a result?

Position. First, institutions are not advised to break leases, since federal law does not give anyone the right to break a lease. Second, leasing inaccessible facilities is permissible under section 504 *so long as no programs or activities are inaccessible as a result.*

If inaccessible leased space must be accessible in order for all programs and activities to be accessible, the institution should work with the landlord to have the space made accessible or should sublease the space for the duration of the lease.

Obviously, institutions should refrain from leasing inaccessible facilities in the future unless such facility inaccessibility will have no affect on program accessibility.

12 Will programs be considered to be accessible if handicapped persons are required to use routes to classrooms, working areas, and so forth that are not as direct as those used by nonhandicapped persons (such as freight elevators, side doors, having to leave a building and re-enter in order to get from one floor to another)?

Position. Alternate routes (that are perhaps less direct) are permissible under section 504 so long as significant violations of the "most integrated setting appropriate" principle do not exist *and* institutions make their alternate routes "regular pedestrian passages" that may be used by all students and employees, not merely handicapped persons. A significant violation of the most integrated setting appropriate principle would be, for example, requiring someone to leave a facility in order to get from a weight room in an athletic facility to a locker/shower area. Complications arise in cases where grave security risks or danger would be created by making an alternate route a "regular pedestrian passage." In such instances, institutions are permitted to take building security and/or danger into consideration, but are urged to adopt approaches that will maximize regular and convenient access. The size of the

facility, its use(s), and the nature and degree of the risks involved are among the factors to be taken into consideration.

13 What institutional obligations exist regarding the accessibility of bookstores and the provision of required books and materials to handicapped students?

Position. The institution has no obligation to provide handicapped students with books or materials required as a part of any academic program, unless it provides books and materials to all students. Obtaining such books and materials is considered to be a "personal" act that falls within the responsibility of the individual student.

With regard to the accessibility of bookstores and similar facilities:

- Such facilities owned or operated by the institution must be accessible, although assistants may be provided to overcome physical obstacles (such as turnstiles and book stacks) that cannot be removed;
- Such facilities that are not owned and/or operated by the institution, but which receive "significant assistance" from the institution, must be accessible "on the whole," and the same flexibility regarding assistants exists as in the paragraph above; and
- Such facilities that are not owned and/or operated by the institution, and do *not* receive significant assistance from the institution, need not be accessible. However, when such stores are the only source of books and supplies for students, the institution should encourage such stores to achieve accessibility for handicapped persons.

In the opinion of the task force, "significant assistance" is *not* extended to bookstores if the only institutional contact with such stores is the provision of reading lists by faculty members or others.

14 Does the institution have any special obligations for persons with mobility impairments with regard to snow and ice removal?

Position. If the institution removes snow and ice, it should make special efforts to make certain that passageways used by persons with mobility impairments are clear. However, the task force feels strongly that institutions cannot assume complete responsibility for overcoming effectively and in a timely manner all acts of God. Institutions should "do the best they can" in such instances, and should make certain that handicapped students are not penalized or discriminated against for failure to attend classes or other programs when snow or ice prohibits effective transit. The institution should be aware of any special services that individual handicapped persons may require in the event of immobility due to snow or ice.

15 With regard to construction and renovation of facilities, what factors need to be taken into account in addition to technical standards and specifications?

Position. All new construction and the alteration of facilities must be performed according to standards (American National Standards Institute or its equivalent) that will ensure that facilities are readily accessible to and usable by handicapped persons. More importantly, however, persons responsible for programs and activities that will be housed in a particular facility should work closely from the outset with architects and others responsible for design. Institutions should be aware of differences that may exist between a physically accessible environment, based on technical specifications and measurements, and an environment that allows for complete program accessibility and a practical relation among units of related, usable space.

16 What additional guidance with regard to program accessibility may be offered to institutions with historical buildings that may require some or extensive modification before all programs and activities will be accesible?

Position. The task force is not qualified to provide technical assistance on this question, and consequently defers to organizations such as the Association of Physical Plant Administrators of Universities and Colleges (Eleven Dupont Circle, Suite 250, Washington, D.C. 20036) and the National Trust for Historic Preservation (740 Jackson Place N.W., Washington, D.C. 20006) on questions related to achieving accessibility in historical buildings.

17 If an institution *moves* to *new* facilities — constructed since the June 3, 1977 effective date of section 504 requirements for new construction — that are not completely accessible in conformance with ANSI standards, what are the institution's obligations regarding accessibility of these facilities?

Position. The institution would have no obligations regarding the total accessibility of these new facilities, so *long as* they were not "constructed by, on behalf of, or for the use of" the institution. The principle would pertain regardless of whether the institution purchased or leased the facility or used it through some other arrangement. As with all facilities used by the institution, however, *physical inaccessibility may not compromise program accessibility.* Despite the use of these and other inaccessible (or partially inaccessible) facilities, all programs and activities of the institution must still be accessible.

Section 504 requirements that would pertain to such facilities are those for "Existing Facilities" located at section 84.22. Requirements contained in section 84.23, "New Construction," would not be applicable.

It must be emphasized that this Position (and the question to which it is a response) deals *solely* with facilities constructed since June 3, 1977 that were *not* constructed by, on behalf of, or for the use of the institution.

18 Is the institution required to provide aids, services, and accommodations, as required by the regulations, to part-time students and others who are not enrolled in a degree program of the institution?

Position. Yes.

19 Does section 504 contain any *preference* in admissions or employment with regard to admitting or hiring handicapped persons?

Position. Section 504 clearly contains no preference, and institutions are not obliged to accord any preference based on handicap in admissions or employment recruitment. This general statement would not apply, however, in individual cases where institutions were taking voluntary or remedial action under section 504. Also, institutions should be aware of affirmative action requirements under section 503 that may be interpreted to require preferential treatment based on handicap for employees and applicants for employment.

20 Does section 504 cover foreign students in the same manner as U.S. students?

Position. Section 504 and its implementing regulations do not exclude foreign students from coverage, since the statute applies to "no otherwise qualified handicapped person in the United States." It is therefore clear that all students in attendance at a college or university, regardless of whether

they are foreign or U.S. citizens, are entitled to programs, activities and services that are accessible.

The task force, however, urges HEW to clarify the extent to which section 84.42, "Admissions and Recruitment," applies to different groups or classes of noncitizens. It is clear that all other sections of the regulations apply fully to students who are noncitizens. The extent to which section 84.42 applies, however, needs additional clarification.

Institutions should be aware of certain problems that may arise in the case of foreign students who are not fluent in English and also require auxiliary aids. Unless the institution provides all of its students (or all of its foreign students) with services designed to overcome deficient English skills, the institution is under no obligation to provide foreign handicapped students with such services. Auxiliary aids provided by an institution (e.g., readers, interpreters) need not be remedial in nature. Institutions may apply the same English language requirements to foreign handicapped students as it applies to all of its foreign students, and need not make auxiliary aids available to an excessive degree in order to overcome deficient English language skills.

21 To what extent does the institution's obligation in the recruitment area pertain to voluntary recruitment efforts conducted without much if any institutional supervision or coordination?

Position. To the extent possible the institution should regularly inform alumni(ae) and others involved in informal, volunteer recruitment efforts of the institution's obligations under section 504. The more organized the recruitment effort, and the more formal the institution's participation and communications with outside recruiting groups, the greater the institutional obligation becomes. In this regard, the institution may wish to prepare a brochure or statement for dissemination to alumni(ae) and others who serve as recruiters or interviewers for the institution.

22 What clarification may be provided regarding the institution's rights to make preadmission and postadmission inquiries related to handicap, and to request medical information from persons with handicaps?

Position. *Preadmission Inquiries:* Institutions may not ask applicants for admission questions related to the nature and extent of handicap unless they are taking *remedial* or *voluntary* action under section 504. However, it is permissible to include a statement in application materials that, without requesting such information, gives applicants the opportunity to provide such information to the institution on a *voluntary* and *confidential* basis. Such statements should emphasize that the information will be kept strictly confidential, if provided, and will not be used to discriminate on the basis of handicap in any way. It should be emphasized that the information would be helpful to the institution in planning and making accommodations and adjustments in a timely manner for those incoming students who will require such. Including such statements in application materials may be particularly important for institutions that operate open admissions programs, and consequently may have little time to make accommodations and adjustments between the application process and the beginning of classes.

The following is an example of a statement that may be used, or adapted for use, for these purposes:

> Federal law prohibits *(name of institution)* from making inquiries regarding handicap prior to admission. Information regarding handicaps, voluntarily given or inadvertently received, will *not* affect any admissions decision. However, if you would, upon admission and acceptance, require special services because of handicap, you may notify *(name of person or office)*. This *voluntary* self-identification allows *(name of institution)* to prepare for the effective delivery of all programs, activities, and services to handicapped persons. If provided, this information will be kept in strict confidence and will have no effect on your admission to *(name of institution)*.

Preadmission Information: Institutions must make certain that no discrimination based on handicap occurs when information is received prior to admission that identifies someone as being handicapped. Such information may be inadvertently acquired in resumes, letters of recommendation, interviews, or from national testing services.

In the case of national testing, wherein institutions often receive for handicapped persons test scores that are not validated or ineffective as admissions criteria, institutions are obliged to find effective alternatives by which individual skills, aptitudes and competencies may be judged. Handicapped persons may not be discriminated against because of national testing scores that are not valid, or because of the absence of such scores.

The task force emphasizes that the inadvertent receipt of information concerning an applicant's handicap, whether from the applicant, a reference, or a testing service, does not provide a basis for inferring that admissions decisions have been discriminatory.

Postadmission Inquiries: Institutions may, after admission, make inquiries on a confidential and nondiscriminatory basis regarding handicaps that may require accommodations or adjustments. Students, however, are not required to respond to such requests for information.

In requesting such information, the institution may emphasize that responses from persons who will require accommodations or adjustments will be necessary to ensure that accommodations or adjustments are made in a timely manner. Nonresponses to the institutional request for information will not have any negative impact upon the institution, aside from delaying the process of making programs and activities accessible in individual instances. Rather, nonresponse by the student will only hamper the individual in his or her educational pursuits if the student will in fact require institutional assistance.

The institution should view requests for such information as it views all other information requests of students that enable the institution to offer programs, activities, and services in a timely and effective manner.

Postadmission Requests for Medical Information: In individual instances, where there appears to be a substantial question about the relationship of a handicap to an accommodation requested, the institution may request that the individual student provide medical or other information that would resolve the question. If such information is not sufficient to satisfy institutional concerns, the institution may conduct its own medical examination to establish the relationship between handicap and accommodation.

Institutions are not permitted to request of handicapped students in a *blanket manner* medical evidence of handicap prior to taking actions required under section 504. Such requests must be *individual* and must result from the "substantial question" discussed above. An institution may not ask its handicapped students to provide medical evidence of handicap as a part of any general request for information, unless requests for medical information are made of *all* stu-

dents, handicapped and nonhandicapped.

Any information gathered in response to such institutional requests must be maintained in a confidential manner. As a part of all such requests, the institution should emphasize the confidentiality that medical information will be accorded and indicate that no such information will be used to discriminate on the basis of handicap.

23 So long as the institution provides *some* accessible seating for persons at all special events (e.g., football games, theater, lectures), need it provide any choice, or any reasonable selection of seating?

Position. Some accessible seating must exist for all such events. Ideally, a reasonable selection of seating would exist, also. However, in cases where little flexibility exists for the renovation of such sites, institutions should strive for access that will provide handicapped persons with seating that is located among the better viewing locations. If the only accessible seats are among the higher-priced seats, then the seats should be made available to handicapped persons using a rate based on the average price of all seats per performance.

Whenever possible, institutions should allow for the fact that handicapped persons have friends who are not handicapped with whom they would like to be seated at such events. Also, although it is not related to physical accessibility, institutions should make certain that persons who are hearing-impaired receive seating close enough for them to hear or speechread, and/or that interpreters are located in such a manner as to ensure simultaneous viewing by the hearing-impaired person of the interpreter and the event.

24 What options exist for institutions when their insurance carriers discriminate against students or employees with limited coverage, or increased cost, based on handicap? (For example, section 504 prohibits a standard insurance practice of excluding benefits for pre-existing conditions.)

Position. As the regulations are worded, the obligation is on the institution and not the insurance carrier to make certain that all benefit and insurance programs are free of discrimination based on handicap. The task force strongly urges HEW to acknowledge the inability of institutions in most cases to have any impact on policies or practices adopted by the insurance industry. If HEW has objectives related to eliminating discrimination based on handicap in all insurance programs, the task force recommends that HEW use its influence to secure the necessary changes and commitments from the insurance industry.

In the interim, institutions should do everything within their ability to renegotiate insurance and benefit programs to remove discriminatory provisions, or to find alternative providers of insurance and benefits programs that do not discriminate against handicapped persons. The option of self-insurance should also be explored in such instances.

Institutions should be certain that they are aware of all relevant legislation and regulations related to insurance, since some states, for example, are now adopting regulations prohibiting discrimination in insurance and benefits on the basis of blindness.

25 Is it possible to develop any national standards for determining, department by department, the essential elements of academic programs?

Position. The task force urges that national attention be focused on issues related to essential elements of academic programs. For example, HEW involvement in discussions of licensing requirements (with state agencies and professional and accrediting associations) would be beneficial.

Despite national attention and possible reform, however, determinations regarding essential program elements must be made locally, based on individual circumstances and the nature of the course, department, and degree program in question. It must be emphasized that no person may be excluded from any course, or any course of study, *solely* on the basis of handicap. When individuals are qualified to pursue certain endeavors, before or after accommodations or minor adjustments, they must be permitted to participate fully, consistent with their skills, abilities, and energies. In this regard, handicapped persons and their limitations should be viewed the same as nonhandicapped persons and their limitations.

Faculty members and academic administrators are urged to study essential elements of programs at their institutions and to ensure that decisions in this area do not unnecessarily restrict handicapped persons in their opportunities to pursue to the fullest their individual skills, aptitudes, and competencies.

A perception of limited employability for handicapped persons in a certain field, whether accurate or not, is *not* a valid reason for denying either admission or the pursuit of a particular study. Institutions are permitted under the regulations to inform handicapped applicants and students of restrictive licensing and other requirements in a specifiic field, but they are not permitted to limit opportunities as a result.

Blanket categorizations based on handicap, related to the abilities and skills of handicapped persons (or classes of handicapped persons) to perform effectively under certain circumstances, are strictly prohibited under section 504. Decisions in this regard must be made on an individual-by-individual basis, as they are made for nonhandicapped persons. Also, generalizations based on handicap related to the safety and security of the individual (and other persons) are not appropriate. It would be inappropriate to generalize, for example, that a person who has a certain handicap would be any more or less hazardous in a laboratory than a nonhandicapped person. In all cases, risks related to safety and security must be analyzed based on individual skills and the precautions that an individual takes, regardless of whether an individual is handicapped or nonhandicapped.

26 If one section of a particular course is made accessible to persons with mobility impairments, would it be discriminatory to require such persons to attend that section even if it is not being taught by the professor that he or she desires?

Position. To a large extent this must depend on individual circumstances that exist on a particular campus and within a particular department. In general, however, handicapped students, to the extent possible, should be provided with the same freedom of choice regarding course sections as nonhandicapped students. If students, in general, have no choice, then obviously handicapped students need not have any choice. But if students are presented with a choice regarding course sections on a first-come-first-served (or some other) basis, then every effort should be made to satisfy the individual preferences of persons with mobility impairments and persons who require an interpreter.

Common sense and flexibility should prevail in such matters. If, for example, a particular course has four sections and one deaf person enrolls for the course, and the deaf person expresses

an early desire for a particular section according to some institutional process whereby students express choice, then the interpreter should be assigned to the section chosen by the deaf person. If, on the other hand, four deaf persons enroll in this same course and each desires a different section, then the institution should not be obliged to provide four interpreters. It may leave the question of which section will have the interpreter up to the four deaf students to resolve, or find some other equitable means of resolution.

Institutions are reminded to avoid, *to the extent possible*, class scheduling that will result in the concentration of handicapped persons in the same classroom. Accessible classrooms and auxiliary aids will be required based on some proportion that takes into account the number of handicapped and nonhandicapped students in a particular course so that handicapped students may learn and study in as integrated a setting as possible. Obviously, there would be no need to make special scheduling provisions for handicapped persons who do not require any special or separate treatment.

27 Some institutions may have difficulty achieving program accessibility for persons with mobility impairments in the case of programs or activities that involve unique sites. Some coursework, for instance, may require hikes over rough terrain (e.g., archaeological digs), the use of expensive vehicles that cannot be made accessible (e.g., ocean vessels used in marine biology), or steep climbs up stairways that cannot be renovated (e.g., to the top of observatories). What special standards may an institution apply to unique cases such as these when it is apparent that program accessibility cannot be achieved in its purest sense?

Position. HEW has already acknowledged and addressed this question, to some extent, in Policy Interpretation No. 4 that appeared in the *Federal Register* of August 14, 1978. In that interpretation, carrying persons in wheelchairs is made permissible in limited instances providing that certain procedures are followed. Among the instances where carrying is permitted so long as the proper procedures are followed, as outlined in the Policy Interpretation, is that of "a university that has properly maintained that the structural changes and devices necessary to adapt its oceanographic vessel for use by mobility-impaired persons are prohibitively expensive or unavailable." It is assumed from this interpretation that carrying and/or other flexible approaches will be acceptable under section 504 where particularly unique conditions exist. Decisions in such cases should obviously be based on the skills, abilities and interests of the individuals involved, and not on arbitrary generalizations based on categories of handicap.

It should be noted that in some cases carrying and other flexible approaches may still not overcome particular obstacles to full participation.

(*Note:* This position does not address complicated issues related to the "essential elements" of programs and whether or not certain program requirements should, in individual instances, be substituted for or waived entirely.)

28 Is the institution's obligation to make auxiliary aids available to handicapped students in any way affected by the individual student's financial status and ability to pay for the aid himself or herself?

Position. As the regulation is currently written, no. In fact, the application of a needs test by a state voc/rehab agency could lead to ineligibility and an increased *institutional* obligation.

29 Should institutions develop and use a waiver form to protect the rights of faculty members when tape recorders are used as auxiliary aids in the classroom?

Position. Because the new copyright law already bestows copyright privileges on the lecturer even if the work is unpublished, such waivers should not be necessary. However, students using recorders should be informed that reproduction or any distribution of their recordings beyond their individual use, without the permission of the lecturer, is probably a copyright violation. Students should be aware that their right to copy in such limited instances is not accompanied by any right to distribute materials.

30 What is the institution's obligation regarding discretionary requests for auxiliary aids on the part of students or employees? That is, if the institution provides readers, for instance, need it provide materials on tape also?

Position. The institution has an obligation to make auxiliary aids available that will be *effective* for the individual. There will be degrees of effectiveness for individual handicapped persons (braille versus readers, for example) *and* cost factors for the institution associated with different forms of aids. Decisions regarding relative effectiveness and cost should be made on an individual-by-individual basis. So long as an aid is *effective* in making a particular program or activity accessible to an individual, however, the institution will be fulfilling its obligation under section 504. (In employment situations, particularly, cost factors may be used in determining whether or not an accommodation is "reasonable" or an "undue hardship." In the employment context, however, the institution has a very clear interest in making certain that a particular auxiliary aid is effective, thereby making the employee more effective and productive.)

Institutions are reminded that different auxiliary aids may be better suited to a particular program or activity than others, and they should consult handicapped persons on questions of individual effectiveness. For example, where an interpreter and a notetaker may be necessary in a seminar to allow for active participation by a deaf person, a lecture may be made more easily accessible through provision of an interpreter and a typed text of the lecture. In some cases readers will be more effective for blind persons than taped texts, and vice versa.

31 What would be an appropriate definition or description of the term "personal use or study" as it is used related to auxiliary aids in subparagraph 84.44(d)(2) of the HEW regulations?

Position. It is the task force's judgment that the word "personal" in this phrase is intended to, or should, modify the word "study" in addition to the word "use."

The institution need *not* provide auxiliary aids for "personal" use or study, to include use or study of materials that are *not* specifically assigned as a part of, or otherwise directly related to, an academic program. Also, the institution need not provide auxiliary aids during periods when the library(ies) of the institution are not open. If an institution has either no library or exceptionally limited times when the library is open, then some reasonable schedule for the provision of aids should be developed in consultation with handicapped students. The use of aids need not be restricted to in-library use, however.

On a related issue, institutions that operate restrictive reserved reading programs should ensure that such programs are modified adequately to achieve access to such materials by all

handicapped persons. The same would be true of reading rooms and materials located within different departments of the institution.

32 What are the institution's responsibilities with regard to the provision of brailled or taped materials to blind students? How much lead-time is appropriate?

Position. Although the institution has a primary responsibility for making such aids available, it must be emphasized that institutional responsibility for producing brailled and taped materials is not primary unless and until existing sources are exhausted. As a standard procedure, institutions should be prepared to advise blind students of resources available for transcribing textbooks and other materials into braille or onto tape.

By referring blind students to appropriate community, state, and national organizations that offer such services on a regular basis, or maintain collections of such materials, the institution will in most cases be fulfilling its primary obligation to make such aids available. Using already existing library collections of braille and tape not only serves the institution by limiting its own financial commitments, but enlarges such collections for future use. Utilizing existing sources for such materials eliminates waste and duplication, ensures the quality of the aids, and familiarizes the blind student with existing channels and the procedures for obtaining braille and tape independently.

It is important for the students who need the materials transcribed to be fully involved and responsible for obtaining the necessary services on their own. Institutions, in fact, would assist in furthering the knowledge and experience of blind students by establishing procedures that involve acquisition of braille and tape by the individual.

Again, the primary institutional responsibility lies with making certain that such aids are *available*. This responsibility may carry with it the obligation to maintain a familiarity with existing sources and to refer blind students to them, as appropriate. But only after existing sources are exhausted need the institution be concerned with the *production* of such aids on their own.

The lead-time necessary to deliver aids effectively may vary from locale to locale. The most important consideration in this regard, in addition to making certain that lead-time does not compromise the "effectiveness" of service delivery, is being certain that all interested parties — teachers, librarians, and blind students — know precisely what the lead-time is. Full communication on this issue will minimize the disruption in academic programs.

33 What can be done to resolve the current impasse that exists related to the delivery of auxiliary aids to handicapped students by state vocational rehabilitation agencies, and the conflict existing on this issue between HEW's Rehabilitation Services Administration and Office for Civil Rights?

Position. A very serious barrier to the full and effective implementation of section 504 is HEW's failure to state clearly how federally financed rehabilitation programs should serve students in institutions of higher education. Although HEW is responsible both for setting rehabilitation services standards and for enforcing section 504, activities which should complement each other, it treats them as separate endeavors, and departmental policies in the two areas often conflict. Handicapped students thus suffer needless uncertainty, delay, and cost in securing assistance; institutions are required to finance services that could be provided more economically *and more effectively* by rehabilitation agencies; and the promise of rehabilitation service programs for many college and university students is largely unfulfilled.

The departmental agencies that should be responsible for remedying this situation have, at best, acquiesced. Accordingly, the NACUBO task force calls on the Secretary of HEW to take prompt and effective action to coordinate the programs of the Rehabilitation Services Administration and the Office for Civil Rights. The secretary has clear authority to take significant action with regard to major problems in this area, and for him to do so would be in the serious interest of handicapped students, institutions of higher education, and, from the task force's perception, the Department of Health, Education, and Welfare.

The central difficulty is simply that rehabilitation programs frequently refuse to provide "auxiliary aids" of the type called for in the department's section 504 regulation at 45 CFR 84.44(d). HEW's responsibility for this failure is especially clear in light of the following statement by HEW Secretary Califano in the appendix to the section 504 regulation:

> The Department emphasizes that recipients (institutions of higher education) can usually meet this (auxiliary aid) obligation by assisting students in using existing resources for auxiliary aids such as state vocational rehabilitation agencies and private charitable organizations. *Indeed, the Department anticipates that the bulk of auxiliary aids will be paid for by state and private agencies, not by colleges or universities.* (42 *Fed. Reg.* 22692-3; May 4, 1977; emphasis supplied.)

As RSA acknowledges, "the reference to State vocational rehabilitation agencies has apparently caused an expectation that the VR agency will form the major financial source for paying the cost of auxiliary aids." (Program Instruction RSA-PI-78-7, 12-15-77.) Yet this expectation has remained unfulfilled, substantially as a result of RSA policy, and OCR has apparently accepted that result.

The secretary evidently promulgated the auxiliary aid requirement based on an assumption that resources from his own department would be available at a certain level. They are not, and HEW's failure to rectify this situation leaves students, higher education administrators, and rehabilitation personnel alike unsure of the department's commitments to higher education for handicapped persons.

Federally financed rehabilitation programs are a major source of financial support for handicapped persons. Availability of such services can be determinative in successfully financing higher education for individual students; at the same time, state rehabilitation agencies often can provide auxiliary aids more economically, and from a basis of wider knowledge and expertise, than can thousands of individual educational institutions. Yet there now exists a situation wherein OCR, RSA and state rehabilitation agencies acquiesce in or actively promote the following barriers to service for handicapped students in higher education:

- Application of the "similar benefits" provision of section 101(a)(8) of the Rehabilitation Act to relieve rehabilitation agencies of *all* responsibility for students in higher education, on the grounds that section 504 makes institutions of higher education responsible for the "first dollar" of resources for them — despite the fact that section 101(a)(8) was enacted many years before section 504 and for purposes unrelated to it. Although Congress has never examined how these two provisions should properly be coordinated, this administrative policy presumes to effectively contradict Congress' intentions to expand educational opportunity through section 504.
- Application of "needs" tests in

rehabilitation programs that are not coordinated with student financial aid needs tests administered by institutions of higher education, or with the section 504 regulation's provisions concerning student financial aid.

O Application of discretionary authority in the Rehabilitation Act to disfavor students in higher education as a class of rehabilitation services beneficiaries.

O Application of discretionary authority in the Rehabilitation Act to disfavor graduate and post-baccalaureate professional students as a class of rehabilitation services beneficiaries, with particular adverse impact upon students who do not continue their post-baccalaureate education directly from undergraduate study.

O A wide variety of differences in rules and levels of benefits among state rehabilitation agencies, particularly as to "portability" of rehabilitation benefits for study outside the provider state.

O Application by some state rehabilitation agencies of low funding maximums which strongly favor the lower tuition costs of state colleges (for obvious state interests) to the degree that students are being discouraged financially from considering the alternative of independent education. In cases where a desired curriculum or degree for a particular field does not exist in a state college system, students may be financially forced into undesirable alternatives. No latitude exists within many state agencies for consideration of at least proportional funding for the higher costs of independent education.

These issues can be resolved in ways that assure handicapped students in institutions of higher education the most effective and economical support possible, without relieving their institutions of responsibility under section 504. This may be accomplished consistently with rehabilitation agencies' missions to provide services for rehabilitation rather than simply on the basis of handicap. But solutions will be developed only to the extent that the secretary exercises his authority and responsibility to explore them. OCR has circulated a draft Policy Interpretation (No. 7, December 1978) which touches on these problems but offers no solution; Interim Program Instruction RSA-PI-78-7 (December 15, 1977) defines a variety of issues from RSA's perspective but, similarly, offers no solution. The NACUBO task force believes that it is imperative that the secretary instruct these agencies to agree upon a single, clear, and effective departmental resolution to the problems outlined above.

Higher education institutions are dedicated to missions related to education; and state rehabilitation agencies are dedicated to missions related to rehabilitation. The task force urges the secretary to take action that will lead to a reflection of these principles in the policies and actions of his department. Section 504, by the secretary's own statement, was not intended to result in the establishment on every campus of new expertise in rehabilitation and new funds sufficient to support widespread rehabilitation efforts by colleges and universities. The task force feels that higher education will have met its obligations to handicapped students under section 504 to the extent that equal educational opportunity is provided and civil rights are carefully safeguarded. But the task force, and the institutions that it represents, feels very strongly that the role of rehabilitation should remain with rehabilitation specialists, and that the secretary's own initial interpretation of section 504 with regard to auxiliary aids should become departmental policy.

34 What are some of the factors to consider in arriving upon a "comparable selection" of housing units?

Position. The following factors are among those that may be considered in a "comparable selection" of campus housing:

O campus location (with respect to distances and terrain relief to a variety of campus academic, recreational, and cultural facilities of different locations);

O architecture (style and age);

O size (size of rooms, building size, and high-rise versus low-rise);

O residence programming (designations based on sex, class rank, study field, and so forth);

O type of unit (single, double, suite, and so forth); and

O types of programs within a residential facility (e.g., recreational, study aids).

35 Does the requirement related to comparable housing selections make it necessary for institutions to provide housing opportunities above the first floor for persons in wheelchairs? Some state and local laws prohibit such practices.

Position. The task force discussed this complicated question at great length, but decided against drafting a specific position when it was learned that the Office for Civil Rights is developing a Policy Interpretation on this issue. The task force would appreciate an opportunity to review draft OCR positions prior to issuance in final form. Also, the task force encourages the expeditious development and issuance of an OCR Policy Interpretation on this question, since many institutions need specific guidance in this area.

36 From the viewpoint of institutional liability, what special considerations exist, for the protection of the individual and others, with regard to handicapped students and employees?

Position. *Employees, Individual:* It would appear that section 504 (and section 503) requires the institution to hire and retain employees even in cases where the employment may be injurious or unhealthy to the individual employee. Accommodations and adjustments should be made to lessen the health hazards for the individual. And the institution may wish to have the employee sign waivers or consent forms and statements that the institution has fully informed him or her of the risks involved in the employment.

Employees, Others: Handicapped persons, per se, are not any more or less dangerous to others, in any setting, than nonhandicapped persons. The same standards of safety should be applied to individual handicapped persons, on a case-by-case basis, as are applied to nonhandicapped persons. Persons who have skills or energies that are limited to the point of creating hazards for others in the workplace should be restricted in their jobs, or not hired. This, however, applies to handicapped and nonhandicapped persons equally. Generalizations based on handicap regarding safety are not appropriate.

Students, Individual: The same general reasoning applies to individual students as applied, above, to individual employees. Accommodations and adjustments should be made to make any individual situation less hazardous. But, in general, the individual must be permitted under section 504 to participate fully in all programs and activities if he or she chooses. The institution may wish to have the individual student sign waivers or consent forms and statements that the institution has fully informed him or her of the risks involved in the participation.

Students, Others: The same general reasoning applies to student issues as applies to employee issues on the subject of the safety of others. Handi-

capped students, per se, are not any more or less dangerous to others, in any setting, than nonhandicapped students. The same standards of safety should be applied to individual handicapped persons, on a case-by-case basis, as are applied to nonhandicapped persons. Persons who have skills or energies that are limited to the point of creating hazards for others in the classroom should be restricted in their activity, or prohibited from the activity. This, however, applies to handicapped and nonhandicapped persons equally. Generalizations based on handicap regarding safety are not appropriate.

Student Athletes: Unique risks may exist in cases where certain classes of handicapped persons wish to participate in contact sports. In a Policy Interpretation issued by HEW on August 14, 1978, institutions are required, for example, to permit participation in contact sports by students who have lost an organ, limb, or appendage, but who are otherwise qualified. In such cases, according to HEW, the institution may require parental consent and approval from the doctor most familiar with the student's condition. As a result of this interpretation, institutions may be required to permit participation in contact sports by any person qualified to do so, based on skills and abilities, regardless of the risks to the person. In such cases, the institution should receive parental consent, as appropriate, and medical permission for participation. It may also wish to have the student athlete sign a waiver and/or statement acknowledging that the institution has fully informed him or her of the risk involved in such participation.

37 What special guidance can be provided to institutions that are financially troubled and have less flexibility for compliance with section 504 requirements, particularly smaller independent institutions?

Position. All institutions of higher education should achieve accessibility in programs and activities, regardless of the size or budget of the institution, the number of handicapped students or employees that will be served by changes, or the age of campus facilities. Institutions are encouraged to take full advantage of the flexibility that exists within the section 504 requirements and to exercise common sense and reasonableness in arriving upon effective approaches to section 504 compliance. In the cases of institutions with greater budgetary limitations, greater creativity may be required to develop accessible programs and activities in the absence of adequate resources.

Institutions are encouraged to remember that accessibility is a *process* and not a set of arbitrary requirements. To the extent that institutions develop and implement flexible and effective response mechanisms, they will make major progress toward meeting effectively the needs and requirements of handicapped persons for accessible programs, activities, and services.

The principle of program accessibility applies to all institutions, but the means for achieving program accessibility may vary greatly from one institution to another. For example, institutions that cannot meet required standards of program accessibility due to nonexistent resources (particularly smaller independent institutions) should compensate for their financial inabilities by becoming more flexible and creative in response to section 504.

However, it is clear that the absence of any "reasonable accommodation" and "undue hardship" standard in the provisions of Subpart E of the regulations means that, in some instances, institutions may be forced to implement programs that deviate somewhat from section 504 principles if total noncompliance, or program inaccessibility, is the only alternative. For instance, institutions with severe financial difficulties may find it necessary to adopt alternatives indefinitely that are only acceptable under the regulation in the short run. These might include the carrying of persons in wheelchairs beyond June 3, 1980; the use of alternate routes even if they are not normal pedestrian routes; greater relocation of activities and services than would otherwise be acceptable or desirable; and making fewer preparations in advance to cover every eventuality, but making certain that persons and procedures are responsive to individual needs.

The task force wishes to *emphasize strongly* that it does not advocate compromises in the goal of program accessibility. However, in cases where full compliance with HEW regulations is not possible, it is clear that the maximum program accessibility possible under the circumstances is the objective that should govern all actions.

It is the feeling of the task force that major changes can take place on every campus in the interest of achieving accessibility for handicapped persons in all programs and activities in U. S. higher education. Many of these do not require any major expenditure of limited institutional resources. *The achievement of such accessibility should be the principal objective, with "compliance" relegated to a secondary issue.*

This "do as much as you are able to" attitude expressed by the task force is in recognition of the serious difficulties that many colleges and universities are having in achieving full compliance with section 504 by the June 3, 1980 deadline for structural modifications. It is *in no way* intended to dilute the requirements of section 504. Also, quite obviously, no guidance or recommendation provided by the task force has the force of law or is able to lessen the legal obligations that institutions have under section 504.

This position, rather, reflects the feeling of the task force that handicapped students across the nation will benefit to a greater extent if institutions with no other alternatives do as much as they can, and HEW requirements are adjusted slightly to fit individual circumstances, instead of doing little or nothing because total compliance with all HEW standards cannot be attained.

The task force recommends a flexible, personal approach to accessibility for those institutions, particularly smaller independent colleges, that cannot achieve program accessibility in any other way due to limited financial resources. However, *it must be emphasized that such an approach, and certain measures recommended or mentioned in this position, may or may not be consistent with current HEW policy on section 504, and that any institution undertaking such an approach or such measures is doing so at its own discretion. The NACUBO task force has no authority to modify the law or its specific requirements, no capacity to defend institutions if charges are raised by HEW or in courts of law, and assumes no liability for the individual actions taken by institutions.*

Finally, it should be emphasized strongly that no reasonable handicapped person interested in his or her education or career has any desire to see institutions of higher education subjected to arbitrary undue hardship or, worse, forced to close their doors because of socially mandated programs. Flexible and creative approaches to the elimination of discrimination should be viewed favorably by all interested parties in cases where traditional actions cannot be taken due to nonexistent resources. Operating according to the spirit of section 504, and *documenting all efforts to achieve accessibility* to the maximum extent possible, is, the task force feels, a more desirable approach than total noncompliance because compliance with the current regulation is not possible. ♦

Section D

FRANCES DAVIS CASE

THE SUPREME COURT DECISION

National Association of College and University Business Officers

Southeastern Community College v. Davis

U.S. Supreme Court Rules on Section 504

by G. RICHARD BIEHL

In a unanimous (9-0) opinion handed down on June 11, 1979, the U.S. Supreme Court ruled in the case of *Southeastern Community College v. Davis* (No. 78-711) that a professional school may consider a legitimate physical requirement during the process of admission to its clinical training program. The opinion of the high court, in its first test of section 504 of the Rehabilitation Act of 1973, as amended, has been characterized in the press as a significant setback to civil rights for the handicapped and a repudiation of section 504 interpretations of the Department of Health, Education, and Welfare.

On its face, however, the narrow decision in *Davis* appears:

- to have little narrowing effect on handicapped civil rights; and
- to be generally consistent with current HEW interpretations as represented by the department's May 4, 1977 regulations and subsequent analyses.

It seems clear that HEW would have ruled otherwise in *Davis*, had it been the Supreme Court. But the court's narrow opinion leaves HEW regulation and interpretation essentially intact; it reflects the common sense approach to section 504 that HEW has been advocating.

The question addressed by the Supreme Court was:

> Whether §504 of the Rehabilitation Act of 1973, which prohibits discrimination against an "otherwise qualified handicapped individual" in federally funded programs "solely by reason of his handicap," forbids professional schools from imposing physical qualifications for admission to their clinical training programs.

The high court's answer to this question was, in essence, "no."

Justice Lewis F. Powell, Jr. delivered the opinion of the court, a fifteen-page reversal of the position of the U.S. Court of Appeals, Fourth Circuit.

It is noteworthy that, in disposing of *Davis* "on its merits," the Supreme Court neither addressed nor expressed any views on the question of whether a private right of action exists under section 504.

The Facts

The case involved Frances B. Davis, a practical nurse with a serious hearing disability who sought training as a registered nurse. In 1973, Davis was denied admission to the Southeastern Community College (N.C.) associate degree nursing program, the completion of which would have qualified her for state certification as a registered nurse. According to the college, the denial was based entirely on Davis' hearing disability.

Davis filed suit in the U.S. District Court for the Eastern District of North Carolina, charging violation of section 504. The district court entered judgment in favor of the college, holding that Davis was not an "otherwise qualified handicapped individual" entitled to section 504 protections. The district court ruled that:

- Davis' handicap prevents her from safely performing in both her training program and her proposed profession; and
- "otherwise qualified" can only be read to mean "otherwise able to function sufficiently in the position sought in spite of handicap, if proper training and facilities are suitable and available."

The U.S. Court of Appeals, Fourth Circuit reversed the district court, ordering the college to reconsider Davis' application for admission "without regard to her hearing ability." It did not dispute the lower court's findings of fact, but maintained that the "otherwise qualified" determination for Davis should be limited to her "academic and technical qualifications," without taking her handicap into account. The circuit court also ruled that section 504 requires "affirmative conduct" to accommodate handicapped persons, and modifications on the part of Southeastern Community College "even when such modifications become expensive."

Supreme Court Rationale

The key set of considerations in *Davis* involved:

- the nature and purpose of the Southeastern clinical program;
- section 504 requirements and interpretations related to modifications in programs; and
- the modifications that Frances Davis would have evidently required in order to participate fully and effectively in the Southeastern program.

The specifics with regard to these considerations include the following —

(1) As stated in the opinion:

"The uncontroverted testimony of several members of Southeastern's staff and faculty established that the purpose of its program was to train persons who could serve the nursing profession in all customary ways. . . . This type of purpose, far from reflecting any animus against handicapped individuals, is shared by many if not most of the institutions that train persons to render professional service."

The clinical aspects of the Southeastern program were the focus of the

---

G. Richard Biehl is editor of the Handicapped Requirements Handbook *and executive director of the Federal Programs Advisory Service in Washington, D.C. He was project director for the work performed by the NACUBO Task Force on Section 504, the final report of which is published in this issue beginning on page 12.*

Reprinted from the July 1979 issue of Business Officer
© 1979 National Association of College & University Business Officers

debate in *Davis*, and in a footnote to the opinion the high court continued:

"Southeastern's program, structured to train persons who will be able to perform all normal roles of a registered nurse, represents a legitimate academic policy, and is accepted by the State. In effect it seeks to ensure that no graduate will pose a danger to the public in any professional role [in which] he or she might be cast."

It was well established, then, that clinical training, and the ability to perform clinical tasks effectively, were essential elements of the Southeastern program.

(2) The high court's interpretation of section 504 with regard to program changes parallels current HEW interpretation. In separate passages of the opinion the court stated:

". . . (i)t is clear that Southeastern's unwillingness to make major adjustments in its nursing program does not constitute such discrimination. . . . Section 504 imposes no requirement upon an educational institution to lower or to effect substantial modifications of standards to accommodate a handicapped person."

". . . Nor has there been any showing in this case that any action short of a substantial change in Southeastern's program would render unreasonable the ['reasonable physical'] qualifications it imposed."

HEW interpretation with regard to changes in programs is represented by the following excerpt from the department's analysis that followed the May 4, 1977 regulations:

"It should be stressed that academic requirements that can be demonstrated by the recipient to be essential to its program of instruction or to particular degrees need not be changed."

(3) The remaining question, then, is the nature and extent of the modifications that Davis would have required in order to participate in the Southeastern program, and whether these changes added up to a substantial change in the program and its essential elements.

Davis evidently sought:

(a) individual supervision by faculty members whenever she attends patients directly;

(b) a waiver of certain required courses altogether; and

(c) training in some, rather than all, of the duties of a registered nurse.

The high court considered these changes to represent a substantial change or "fundamental alteration" in the Southeastern program, and it is reasonably clear that HEW interpretation is consistent with the Supreme Court's on at least two of the three proposed modifications. The court ruled that "individual supervision," (a) above, does not fall within the auxiliary aids requirements or examples contained in HEW rules at 84.44 (d)(2). It further stated that such individualized assistance is explicitly excluded by the passage in 84.44(d)(2) which reads: "Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or *other devices or services of a personal nature.*" (Emphasis supplied.) It is not totally clear where HEW might stand on this issue. What is clear is that a question exists regarding whether having individualized personalized attention by faculty members is the same as having an interpreter, notetaker, reader, or other form of traditional auxiliary aid.

With regard to waivers of required courses, (b) above, the following passage of the aforementioned HEW analysis, commenting on paragraph 84.44(a), represents the department's position:

"This requirement [related to academic adjustments], like its predecessor in the proposed regulation, does not obligate an institution to waive course or other academic requirements."

With regard to training in some, rather than all, of the duties of a registered nurse, (c) above, it is reasonably clear from HEW interpretation that recipients have never been required to alter either the essential elements or the purposes and objectives of their programs. HEW has shown no predilection in the past to require an institution such as Southeastern, which maintains that clinical training and effective performance in clinical duties are integral parts of its program, to alter its program to accommodate handicapped persons.

An Otherwise Qualified Handicapped Person

Without belaboring the backs and forths of the district, circuit, and supreme courts' opinions, and the extent to which any of them relied on HEW interpretation, it is fairly clear that the Supreme Court and HEW views of the term "otherwise qualified handicapped person" are not significantly divergent. What does seem to differ in Supreme Court and HEW thinking on this issue is the step in the educational process at which a candidate for admission may be judged with regard to handicap.

Passages both from the opinion and from HEW interpretation indicate that legitimate physical requirements may be taken into account when assessing whether a person is "qualified" for a particular program or activity. In the Supreme Court's view, however, "legitimate," or "necessary," or "reasonable physical requirements" or "qualifications" may be a part of admissions criteria. HEW has not permitted such criteria among those used to evaluate candidates for admission, but instead has prohibited (with a prohibition against "preadmission inquiries" related to handicap) an institution from knowing whether or not a candidate for admission has any limiting physical or mental conditions. This is true even though the regulations purportedly apply only to *qualified* handicapped persons. During admissions, HEW has required a narrow look at an individual's skills, abilities and qualifications without regard to handicapping factors. Following admission, however, HEW has permitted institutions to use criteria similar to, if not the same as, the Supreme Court's in order to assess whether someone is qualified to participate in a particular program or activity and/or competent to perform effectively in all essential program elements. (The HEW prohibition against preadmission evaluations based on handicap is presumably designed to safeguard against arbitrary discrimination based on handicap in the admissions process. It has been criticized, however, for its potential to leave an institution with a set of undesirable alternatives once a student who has been admitted to a program is determined to be unqualified to participate in it effectively.)

Possible Changes in HEW Rules

The only immediately apparent area in which change in HEW regulation might be appropriate as a result of *Davis* involves this question of preadmission information and the court's strong judgment that:

"Nothing in the language or history of §504 reflects an intention to limit the freedom of an educational institution to require reasonable physical qualifications for admission to a clinical training program."

If, as the court strongly advises, institutions are permitted to weigh physical qualifications during the admission process, and not after admission as HEW has recommended, then the de-

partment's prohibition against preadmission inquiries related to handicap, contained in paragraph 84.42(b)(4), would no longer appear to be appropriate. *However*, it must be remembered that *Davis* did not address head-on the validity of the department's preadmission inquiry requirement, and only by deduction is the requirement in apparent conflict with the high court's ruling. The issue is not addressed explicitly in the 15-page opinion.

It should be emphasized that this analysis of *Davis* is based on a literal reading of HEW regulation and interpretation, and has not concerned itself with the polemics or politics of the context in which *Davis* was argued. Several passages of the Supreme Court opinion illustrate an unrestrained displeasure with certain actions and contentions of HEW. But a distillation of this criticism reveals not a serious conflict on the court's part with the printed regulation and interpretations of the department, but a repudiation of HEW attempts to broaden the scope of section 504 in "friend of the court" briefs and elsewhere.

Other Considerations

Major Adjustments: It should be clear from *Davis* that recipients are not required to make major adjustments in their programs. But it should be equally clear that this "major adjustment" principle, at present, bears no relation to expense or inconvenience for the recipient, based on *Davis* alone. The Supreme Court did not address the circuit court's contention that modifications need be made on behalf of handicapped persons even when they are expensive. It did not comment directly on whether or not the principle of "reasonableness" should rule on the student side of section 504, as it is governed in employment by the "reasonable accommodation" standard.

The high court merely stated that major adjustments in programs are not required — an academic program, and its essential elements, need not be altered in any significant way. Making some major changes in academic programs, such as allowing students to waive required courses essential to their knowledge of or training in a subject field, would not present institutions with additional expense, for example.

Affirmative Action: A healthy portion of the Supreme Court opinion is devoted to whether or not section 504 requires affirmative action by recipients on behalf of handicapped persons. Having neither heard the arguments in this case nor read any of the numerous amicus briefs, this writer is perplexed at why the principals in this case — the court, attorneys for both sides, and friends of the court — were discussing the issue of affirmative action.

The court ruled decisively that ". . . neither the language, purpose nor history of §504 reveals an intent to impose an affirmative action obligation on all recipients of federal funds." But it should be noted for the sake of clarity that use of the term "affirmative action" to represent the types of modifications suggested by Davis and her attorneys is extraordinarily unique, from this writer's viewpoint.

"Affirmative action," as this term has been used over the years in various civil rights programs, is generally associated with positive outreach in employee recruitment, hiring, and promotion. It connotes goals and timetables in employment under Executive Orders 11246 and 11375, additional recruitment obligations under section 503 of the 1973 Rehabilitation Act (devoted exclusively to employment) and so forth. No casual reader of section 504 could escape the conclusion that the statute does not require "affirmative action" in its traditional sense and usage. HEW's apparent argument to the contrary in its amicus brief in support of Davis is perhaps characteristic of the department's enthusiasm which the high court sought to restrain.

Philosophical Considerations: A careful reading of *Davis* reveals an attitude toward the capabilities of handicapped persons that does not parallel well the philosophy occasionally exhibited by the high court in some of its past actions on civil rights issues (e.g., related to women and blacks). This perhaps less-than-forceful view of handicapped civil rights on the part of the Supreme Court should be acknowledged, and herein is, since it could possibly be significant in later determinations.

The following passage from the opinion characterizes best the awkward point that this writer is attempting to make:

"It is possible to envision situations where an insistence on continuing past requirements and practices might arbitrarily deprive genuinely qualified handicapped persons of the opportunity to participate in a covered program. Technological advances can be expected to enhance opportunities to rehabilitate the handicapped or otherwise to qualify them for some useful employment."

Summary

Davis, then, represents a very narrow opinion on section 504. The Supreme Court obviously did not address significant issues that are unrelated to the facts in the case, nor did it address significant issues that are tangential to Frances Davis' plight at Southeastern Community College. *Among* those related questions that the court did not apparently address are:

- What would have happened had the modifications sought by Davis been more consistent with HEW regulation at section 84.44?
- Had modifications consistent with 84.44 been requested by Davis, and had they represented considerable expense or administrative burden to Southeastern, might the court have applied a standard of "reasonableness" to the actions required of institutions in accommodations for handicapped applicants and students?
- How would the court have ruled had it not been clear that clinical training was essential to the Southeastern program?
- To what extent did Davis' apparent threat to the safety of patients — the spectre of preserving the public good — influence the high court's thinking, since parallels in other clinical training programs could easily contain facts similar to those in *Davis* but for the "danger to others" considerations?
- To what extent is the court's opinion limited strictly to the admissions program of a professional school operating a clinical training program? Would the same principles apply to undergraduate admissions? Or would they apply to determining whether someone is "qualified" to receive the aid, benefit, or service of any recipient of financial assistance? ♦

Section E

A LAYMAN'S GUIDE TO DISABILITIES

SECTION E

A BASIC LAYMAN'S GUIDE TO DISABILITIES

compiled by

Alfred H. DeGraff

The following is a layman's guide to the most common ambulatory, sight, and hearing disabilities appearing on campuses. It is purposely neither technical nor exhaustive, but will provide a basic understanding of impairments affecting a growing number of students, staff, and faculty, ranging from "college age" to a more senior age status.

****

DISABILITY	LAYMAN'S DESCRIPTION	TYPICAL, MOST COMMON FUNCTIONAL LIMITATIONS
allergy	oversensitivity of body to certain foreign substances (allergens or antigens) which ultimately trigger antibody production and consequently undesirable reaction	restricted activity, often with medication to prevent contact with allergens and control reaction
amputation	upper and/or lower limb birth deficiency or surgical removal	hand, arm, ambulation limitations
arthritis	limitation of joint(s); local or widespread	limited physical movement or ambulation
asthma	usually an allergenic swelling of bronchiolar wall with mucoid secretions	constricted breathing, coughing, wheezing, difficulty in exhaling and decrease in endurance
autism	a form of childhood schizophrenia in which anxiety is dealt with inadequately	difficulty in forming relationships and dealing with external events
bone fractures	break in bone(s) anywhere in body	temporary or permanent limited physical activity or ambulation
bursitis	inflammation of any bursa (lubricating fluid sac in joints) of body	temporary or permanent limited physical activity or ambulation
cardiovascular limitations	any number of heart and circulatory impairments	temporary or permanent limited physical activity or ambulation
cerebral palsy	congenital brain damage resulting in motor, sensory, and perceptual difficulties	coordination impairments of limb(s), speech and/or sight; limitations in many functional activities, especially mobility

cerebrovascular accident (CVA or stroke)	paralysis resulting from interruption of blood supply to brain	lateral limitations of activity, speech, coordination, and/or ambulation
cystic fibrosis	inherited disease of exocrine glands which pour secretions into or out of the body instead of into the blood	blockage of formation of many organs especially producing respiratory distress
decubitous ulcers (severe bedsores)	skin breakdown over bone protrusions, not uncommon to those with lack of sensation and the wheelchair mobile	temporary limitation of activity with occasional need for plastic surgery
developmental disability	means a disability of a person which- (A) is attributed to (i) mental retardation, cerebral palsy, epilepsy, or autism; (ii) any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or (iii)dyslexia resulting from a disability described in clause (i) or (ii) above (B) originates before such person attains age eighteen; (C) has continued or can be expected to continue indefinitely; (D) constitutes a substantial handicap to such person's ability to function normally in society.[1]	
diabetes	most commonly, pancreas fails to produce sufficient insulin to utilize sugar, resulting in high blood sugar levels (opposite: hypoglycemia)	monitor of activity and diet with often needed self-administered insulin injections (requires refrigeration)
dyslexia	partial alexia in which letters but not words may be read, or in which words may be read but not understood	inability to read or read at normal rate

epilepsy	chronic nerve disorder resulting from recurring surge "discharges" of electrical impulses within brain cells	**epileptic attack types** grand mal: marked by varying degrees of convulsion and possible loss of consciousness lasting from a few minutes to several hours Jacksonian: a focal type in which seizure is isolated in one part of the body petit mal: temporary loss or impairment of consciousness without significant convulsions, may last only few seconds psychomotor: alterations in state of consciousness, hallucinations, dream states
gout	arthritic symptoms usually caused by precipitation of uric acid in tissues and consequently painful urate crystals in body joints	temporary or permanent limited physical movement or ambulation
hearing limitations	**two types of hearing loss** conduction deafness--failure of airborne sound waves to be conducted efficiently to nerves of inner ear	loss of hearing ranging from difficulty in hearing to total deafness; possible speech impediment
	nerve or perceptive deafness--failure of auditory nerves	loss of hearing ranging from difficulty in hearing to total deafness; possible speech impediment
hemiplegia	paralysis to one-half (lateral) of the body, usually as a result of a CVA	limited physical acitvity or ambulation, possible speech impediment
hemophilia	abnormal clotting of the blood	prolonged bleeding with minimal injury
hypoglycemia	body utilizes too much blood sugar leaving sugar deficiency, especially during fasting periods (opposite: diabetes)	monitor of activity and diet with need for increase in glucose intake or frequency to avoid fatigue, light-headedness, dizziness
learning disability		

multiple sclerosis (MS)	usually progressive degeneration of myclin sheath surrounding central nervous system	sight, speech, hearing, coordination, ambulation and/or general activity impairments
muscular dystrophy (MD)	usually progressive degeneration of muscle fibers and replacement by fatty and fibrous tissue	limited physical activity or ambulation
myasthenia gravis	easily fatigued and weakened muscles especially of eyes, throat, and respiratory areas	limited physical activity or ambulation
osteogenesis imperfecta	weak bones and connective tissue	case of bone breaks and joint dislocations
osteomyelitis (acute or chronic)	destructive invasion of bone and bone parts by infection	temporary or permanent limited physical movement or ambulation
paraplegia	paralysis which involves both legs and the trunk; when due to spinal cord injury also results in loss of voluntary bowel and bladder control	limited physical activity or ambulation
poliomyelitis	viral infection of spinal cord; accompanied by muscle atrophy and weakness of involved limbs	limited physical activity or ambulation
quadriplegia	paralysis involving parts or all of four limbs and the trunk; accompanied by loss of voluntary bowel and bladder control and decrease in respiratory reserves	limited physical activity or ambulation
scoliosis	lateral curvature of the spine	temporary or permanent limited physical movement or ambulation
sight limitations	some common causes amblyopia--dimness of vision from non-use of eye anisekonia--difference in size and shape of an image perceived by each eye astigmatism--vision distortion resulting from imperfect curvature of the cornea (lens)	loss of sight ranging from difficulty in reading and legal blindness to total blindness

sight limitations (continued)	cataract--corneal incapacity	
	color blindness--inability to distinguish colors	
	diplopia--double vision	
	farsightedness (hyperopia)--close objects are blurred, far objects distinct	
	glaucoma--partial or total blindness (most common adult cause) resulting from intensive destructive pressure of fluids inside the eye	
	nearsigntedness (myopia)--close objects are distinct, far objects are blurred	
	night blindness (nyctalopia)--imperfect vision in total or partial darkness	
	retinitis pigmentosa--hereditary disease that degenerates retina, resulting in eye's inability to transmit pictures to brain	
specific learning disability	means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantages.[2]	
spina bifida	failure of fusion of spinal column through which one or more neural elements of spinal cord may protrude	temporary or permanent limited physical movement or ambulation

spinal cord injury	damage to spinal cord from accident	temporary or permanent paralysis to lower and/or upper limbs with motor/sensory loss; limited physical activity or ambulation

****

Sources: Cooley, Donald G., Better Homes and Gardens Family Medical Guide, Des Moines, Iowa, Meredith Corporation, 1973.
Myers, Julian, An Orientation to Chronic Disease and Disability, New York, Macmillan, Inc., 1965.

Medical Consultant: Murray M. Freed, MD, Director, New England Regional Spinal Cord Injury Center, Chief, Department of Rehabilitation Medicine, University Hospital, Boston, Massachusetts.

Notes: $\frac{1}{2}$PL 94-103 (42 USC 6001) Developmentally Disabled Assistance and Bill of Rights Act.
$\frac{1}{2}$PL 94-142 (20 USC 1401) Education of the Handicapped Act.

Compiled by: Alfred H. DeGraff, M.S., S.E.A., Director, Disabled Student Services, Boston University, Boston, Massachusetts, Copyright, 1979.

Section F

FACULTY-RESOURCE REFERENCE

In this section are listed people in higher education with expertise and experience with various kinds of disabilities. They are available to provide assistance and advice. The areas of expertise are indicated in the column headings, which indicate disabilities as follows:

A	Ambulatory
S	Sight
H	Hearing
Sp	Speech
LD	Learning Disabilities
O	Other, or combinations

For each person, an "X" in the column indicates an area of expertise. The last two columns list specific areas of instruction, and any additional special information. For convenience, the resource specialists are listed by geographic region.

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
(NORTHEAST)								
Susan Barnes Northwestern Connecticut Community College Instructor, Therapeutic Recreation Winsted, CT 06098 (203) 379-0320						x	Recreation & Physical Development * Mentally Retarded	Skilled in designing curriculum in T.R. adapted P.E.
Lorraine Bloomquist University of Rhode Island Dept. of P.E.H.R. (Tootell Center) Kingston, RI 02881 (401) 792-2975							Recreation & Physical Development	Skilled in teaching aquatics
Jean Boulden Northwestern Connecticut Community College Coordinator, Secretarial Science Program Winsted, CT 06098 (203) 379-8543			x				Music	NCCC has program which prepares interpreters for the deaf as a degree program
Dr. Joyce E. Cummings Worcester State College Psychology/Education Chandler Street Worcester, MA 01608 (617) 752-7700 x295					x	*	Education Psychology *Emotionally Disturbed	Instructor of learning disabilities preparation and diagnosis of academic problem and psychological issues

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Keith Dixon Southern Vermont College Sociology Bennington, VT 05201 (802) 442-5427							Social Science	Expert in small group dynamics, valve classification, attitudinal research and change
Rogert D. Fant University of Massachusetts Special Education 166 Hills South Amherst, MA 01003 (413) 545-0111 TTY 545-1321	x	x	x				Education Special Education	Member of 504 Task Force
David J. Hankins University of Connecticut English Department Storrs, CT 06250 (203) 486-2322		x					English	Chairman of President's Advisory Committee on the Handicapped at the university
Martha F. Knight University of Vermont Associate Chairman Dept. of Special Ed. Rm. 453 Waterman Bldg. Burlington, VT 05401 (802) 656-2936							Special Education	Co-edited curriculum guide for teachers "Handicapped in Society"
Barbara E. Maze Boston University School of the 855 Commonwealth Ave. Boston, MA 02215 (617) 353-3351	x	x	x	x	x	x	Fine Arts	Curriculum & Program Coordinator of Student Affairs

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Dr. Jean Mooney Boston College Chestnut Hill, MA 02167 (617) 969-0100			x	x	x		Social Science Languages Fine Arts	
Rev. Robert R. O'Connell Albertus Magnus College Religious Studies Dept. 700 Prospect Street New Haven, CT 06511 (203) 777-6631 x260						*	Religious Studies * Primary Lateral Sclerosis	
Frank M. Robinson Northeastern University Recreation & Leisure Studies 360 Huntington Avenue Boston, MA 02115 (617) 437-3163							Recreation & Rehabilitation	Director of a camp for socially integrated severely disabled and non-disabled
William P. Warnken, Jr. Norwich University English Department R #1 P.O. Box 263 Plainfield, VT 05667 (802) 485-5011 x268					x		English	Has dealt with dyslexia discalcoia
(ATLANTIC COAST)								
Shirley Atkins University of Pittsburgh Assistant Dean 104 Philadelphia Hall Pittsburgh, PA 15260 (412) 624-2908					x			

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Judson Leo Biasiotta Albany State College Assistant Professor Albany, GA 31705						*	Social Science Recreation & Physical Education *Psychologically disturbed	Uses hypnosis, biofeedback and behavior modification to help athletes overcome psychological barriers
Lewis Carr Howard University Washington, D.C. 20059 (202) 636-7318			x				Social Work	
Linda A. Donnels George Washington University Director, Services for Students with Disabilities Education Department Rice Hall, Room 410 Washington, D.C. 20052 (202) 676-6710	x	x	x	x	x	*	All areas *Hidden disabilities	Also sets up sign language courses
Teodoro Halpern Ramapo College of New Jersey Dean of Schools 505 Ramapo Valley Road Mahway, NJ 07430 (201) 825-2800 x314	x	x					Physics	General development of equipment for handicapped
Brenda G. Hameister Pennsylvania State University Coordinator, Handicapped Student Services 135 Boucke Building University Park, PA 16802 (814) 863-2020			x	x			All areas	Background in clinical speech pathology

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Nancy Keeley Albany State College Early Childhood Ed. 504 College Drive Albany, GA 31705 (912) 432-2058 (912) 439-4350		x	x	x	x	*	Social Sciences Languages *Emotional Disorders	Has worked with emotional barriers of handicapped and has designed some techniques to work with that
David S. Mann College of Charleston Political Science 66 George Street Charleston, SC 29401 (803) 792-5724	x	x	x	x			Political Science	
Marcia Moore SUNY/Oswego Department of Communication Studies Sheldon Hall Oswego, NY 31326 (315) 341-2357			x	x	x		Broadcast performance	
Thad Raushi Schenectady County Community College Counselor Washington Avenue Schenectady, NY 12305 (518) 346-6211 x237	x	x	x	x	x	*	All areas *Mental disorders	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
JoAnne Simon Gallaudet College Director, Student Special Services Kendall Green Washington, D.C. 20003 (202) 651-5405	x	x	x	x	x		Social Sciences Adaptive P.E.	
Mary C. Trotto Hofstra University Exercise Physiologist Hemstead Turnpike, NY 11550 (515) 560-3497	x	x	x		x	*	Physical Education *Mentally retarded	
Benjamin Warshowsky Frederick Community College Oppossumtown Pike Frederick MD 21701	x						Chemistry and Lab	
Robert L. Williams Gallaudet College Box 176 HMB Department of Psychology Washington, D.C. 20002 (202) 651-5320	x	x	x	x			Psychology Sign Language	Conducted field trips for psychological research
Nancy Worley University of Pennsylvania School of Nursing 420 Service Drive, Six Philadelphia, PA 19104 (215) 243-7197	x						Psych-mental Health	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
(MID-WEST)								
Bob Abene Triton College Counselor & Coordinator of Special Needs Assistance Program 2000 Fifth Avenue River Grove, IL 60171 (312) 456-0300 x485	x	x	x					
Aaron Armfield University of Nebraska Chairman, Department of Special Education Omaha, NE 68182 (402) 554-2201		x	x	x	x		Education	
Jan Scott Bey Bowling Green State Univ. Director of Handicapped Services 705 Administration BGSU Bowling Green, OH 43402 (419) 372-0495	x	x	x	x	x			
John Britton, M.D. Northern Illinois University Dekalb, IL 60115 (815) 753-0556						x	Recreation & Physical Development *Non-ambulatory	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Joe Coyner Eastern Michigan University Associate Professor 219 Rackham Ypsilanti, MI 48197 (313) 487-0356	x						Special Education	
Betty Ann Fischer University of Wisconsin Coordinator, Disabled Students Services E. Building 186 P.O. Box 413 Milwaukee, WI 53201 (414) 963-5051	x	x	x	x	x	x		
Betty Gawthrop Purdue University Calumet Associate Professor of English Hammond, IN 46323 (219) 844-0520 x203							Linguistics Languages Reading & Writing Labs	
Donald L. McCanna Ashland College Associate Professor of Audiology Speech & Hearing Clinic Ashland, OH 44805 (419) 289-5037	x		x	x	x			
Thomas Meighan Western Illinois University Teacher of Special Education Macon, IL 61455 (309) 298-1788					x			

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Roberts S. Muller Aquinas College Part-time Instructor Grand Rapids, MI 49506 (616) 247-2620	x	x	x	x	x		Counseling Psychology	
Charles E. Nelson Southern Illinois University Associate Professor Edwardsville, IL 62026 (618) 692-3277		x	x	x			Sociology & Anthropology Art, Music & Drama Photography Lab	
Greg Thomsen Marquette University Coordinator, Handicapped Services 1212 W. Wisconsin Milwaukee, WI 53233 (414) 224-1645	x							
Dr. Harriet E. Tillock Saginaw Valley State College Chairperson, Department of Sociology University Center, MI 48710 (517) 790-4373	x	x	x	x			Sociology	
Vilia Sauerberg University of Wisconsin Lecturer, Rehab Co. Ed. Program Ed. Psych. Dept. Milwaukee, WI 53201 (414) 963-4192	x	x	x	x			Counselor Education	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Lois Vander Waerdt University of Missouri Assistant Professor of Business Law 8001 Natural Bridge St. Louis, MO 63121 (314) 553-5695						*	*Director of Affirmative Action	
(WEST COAST)								
Margo Berkler University of Idaho Dept. of Special Ed. Moscow, ID 83843 (208) 885-6150	x			x	x	*	Education Special Education *Multiply Handicapped	
Pat Beyer CSU Associate Chairperson Special Education Dept. 5151 University Drive Los Angeles, CA 90032 (213) 224-3711	x	x	x	x	x			Provides personnel training program for faculty and staff
Jay Brill University of Wyoming Dept. of Social Work P. O. Box 3808 University Station Laramie, WY 82071 (307) 766-6189	x	x			x		Vocation Rehabilitation	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Diane Cantor Everett Community College Disabled Student Services 801 Wetmore Avenue Everett, WA 98201 (206) 259-7151	x	x	x					
Rob Clerisse Univ. of California Assistant Dean of Students Santa Cruz, CA 95064 TTY 429-2089	x	x	x	x	x		General Social Sciences Fine Arts Science Labs	
Wallace Cory Bakersfield College History Department 1801 Panorama Drive Bakersfield, CA 93305 (805) 395-4543		x					History	
Robert Frazier Montana State University Coordinator of Handicapped Services P.O. Box 130 Strand Union Bldg. Bozeman, MT 59715 (406) 994-4541	x	x	x	x	x	*	*Multiply Handicapped	
Earl L. Grossen Bringham Young University Box 65 McKay Provo, UT 84602 (801) 378-4858					x	*	Social Sciences English (Morphology & Syntax) Languages (including Arabic) *Veteran Rehabilitation	Also directs workshops for employment of handicapped, disabled, and delinquent

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Chris Hall University of Wyoming Department of English Laramie, WY 82071 (307) 766-5210							TESOL & writing labs	
Bill Hanly University of Utah Department of Biology Salt Lake City, UT 84112 (801) 581-6569	x				x	*	Biology Labs: Biology, Chemistry and Physics *Epilepsy	Has been involved in group counseling, training programs and workshops on epilepsy
Roberta Ann Johnson University of California Merritt College Santa Cruz, CA 95064 (408) 429-4152	x	x	x				Political Science	
Wes Larsen Southern Utah State College Affirmative Action Officer Cedar City, UT 84720 (801) 586-4411 x251					x		Biology & Lab	
Manuel Molina University of Santa Clara Director of Personnel Compliance Officer Santa Clara, CA 95053 (408) 984-4393	x	x	x				Theatre Computer Lab Engineering Shop	Extensive experience in placement of disabled engineers, architectural barriers, and legal advocacy
Rosemary Masek University of Nevada History Department Las Vegas, NV 89120 (702) 739-3349/3317	x						History	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Jean Margerum University of Nevada (Cooperative Extension Service, Clothing and Textiles) School of Home Economics Reno, NV 89557 (702) 784-1977	x	x					Home Economics Clothing & Textile Lab	Has experience with clothing for the handicapped
Barbara Palombi University of California Asst. Dean & Director of Handicapped Student Service Student Support Services Irvine, CA 92717 (714) 833-7244	x	x	x	x	x	*	Natural Science Social Sciences Recreational & Physical Development *Mental Illness	
Frederick Patterson California State University Dominguez Hills 1000 E. Victoria Street Carson, CA 90747 (213) 515-3926/3761	x						Recreation & Physical Development	
Dr. Reginald L. Price California State College 5500 State College Pkwy. San Bernardino, CA 92407 (714) 887-7561		x					Recreation & Physical Development	Designs individualized physical fitness programs for visually handicapped
Vincent Rios DHEW 504 T.A. Staff Program Specialist 50 U.N. Plaza, Suite 409 San Francisco, CA 94102 (415) 556-3923	x						Psychology Political Science Languages	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Pearl H. Rose Fort Steilacoom Community College Coordinator, Special Needs Program 9401 Farwest Drive SW Tacoma, WA 98499 (206) 964-6570	x	x	x	x	x	*	All areas	Has found ways to make environmental modifications at minimal cost
Lynn Smith Access Consultant P.O. Box 2154 Bellingham, WA 98225 (206) 384-0986		x			x		Biology Geography Science Labs	
(SOUTH CENTRAL)								
John W. Burch Department of English & Foreign Languages Arkansas Tech University Russellville, AR 72801 (501) 968-0485	x	x	x	x			Languages English	
Charles E. Butler University of Oklahoma College of Ed. 310 820 VanVliet Oval Norman, OK 73069 (405) 427-6771	x	x			x		Education	
Willie Mae Butler HPER Alabama A & M University Normal, AL 35762 (205) 859-7361	x		x	x	x		Dance & Dance Interpretation	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Beth Buzby Coordinator, Data Entry Systems Jefferson State Junior College 2601 Carson Road Birmingham, AL 35215 (205) 853-1200 x222			x				Computer Science & Lab	
Jim F. Cook Assistant Dean College of Business University of Texas Box 19377 Arlington, TX 76019 (817) 273-2881						*	Accounting & Lab *Mobility Impaired	
Wilson Dietrich Department of Special Educ Memphis State University Memphis, TN 38152 (901) 454-2771	x					x	Special Education	
Marjorie R. Duffy Communication Disorders Colorado State University Fort Collins, CO 80523 (303) 491-6981			x	x	x			Speech Pathologist
Fran French Auburn University Department of Anthropology 6092 Haley Center Auburn Univ., AL 36849 (205) 826-5049	x	x	x	x			Anthropology Sociology Labs in Archaeology & Physical Anthropology	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
David Grisham Director of Handicapped Services University of Southern Colorado 2200 Bonforte Pueblo, CO 81001 (303) 549-2762/2763	x	x	x		x		Adapted P.E.	
John I. Hendricks Alcorn State University Department of Education Lorman, MS 39096 (601) 877-3711 x271					x		Physical Sciences Elementary Sciences & Lab	
Lil Hunsaker Community College of Denver Coordinator, Center for Physically Disadvantaged Box 400 1111 W. Colfax Denver, CO 80204 (303) 629-3301	x	x	x			*	Mathematics English grammar & composition Swimming *Brain Damaged	Has also worked in computer science and technical areas such as: drafting, graphic arts, welding, and medical support
Lee Kraft College of Nursing Univ. of North Dakota Grand Forks, ND 58201 (701) 777-4173	x		x				Nursing	
W. Mike Martin University of Colorado College of Environmental Design Boulder, CO 80302 (303) 492-7627	x	x					Fine Arts	

FACULTY REPRESENTATIVE	A	S	H	Sp	LD	O	CURRICULUM	ADDITIONAL INFORMATION
Terrence J. McCarthy Texas State Technical Institute P.O. Box 11035 Amarillo, TX 79111 (806) 335-2316		x				*	Labs (welding & mechanics) *Mentally retarded	Is attempting to break-down mechanics into about 5,000 elements so specific problems can be identified
Bessie McKinney Grambling State University Dept. of Health & Physical Education Grambling, LA 71245 (318) 247-6941 x294	x						Recreation & Physical Development	
Lora Lynn Snow University of Arkansas Music Department 33rd & University Little Rock, AR 72204 (501) 569-3294		x	x				Music (woodwind instruments)	
Alice Wooster Counselor/Coordinator Center for Physically Disadvantaged Red Rocks Campus Community College 12600 W. 6th Avenue Golden, CO 80401 (303) 988-6160 x251	x	x	x	x	x	*	All areas *systemic-cardiac, respiratory, & endocrine malfunction	Lab experience in Science Business (typing & accounting) computers, languages, & math
Richard J. Wright Valencia Community College Department of Biology P.O. Box 3028 Orlando, FL 32802 (305) 299-5000	x	x					Biology Botany Lab	

Section G

RESOURCE SERVICES AND ORGANIZATIONS

ABT Asociates
ABT Books
55 Wheeler Street
Cambridge, Massachusetts 02138

For-profit corporation which developed the resource guide for college programs for the handicapped. Full title of the publication: "The College Guide for Students With Disabilities." (cost $18.50)

American Alliance for Health, Physical Education and Recreation
Physical Education & Recreation for the Handicapped Information & Research Utilization Center
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

The Center collects, reviews, catalogues, evaluates, packages, re-packages and disseminates information and materials about physical and health education, recreation, sports, and competitive atheletics for people with disabilities, with strong emphasis on the maximum possible degree of mainstreaming. It can offer specific guidance in developing activities for people with a particular disability or in more general areas like planning an overall athletic program for a school district, or in mainstreaming people with disabilities into competitive teams. It can conduct needs assessments of programs and facilities, provide long-term consultative services, provide publications, run workshops or provide training in specific skills. Services are open to all, and referral services are free. Fees for on-site technical assistance vary according to expenses.

American Association for the Advancement of Science
Project on the Handicapped in Science
Office of Opportunities in Science
1776 Massachusetts Avenue, N.W.
Washington, D. C. 20036

The project is designed to explore the barriers obstructing the entry and full participation of physically handicapped persons to education and employment opportunity. It offers information services through referral to disabled students, as well as direct counseling, and welcomes inquiries by phone or letter from students and from institutions, organizations and individuals concerned with employment in the sciences or science education. It also provides publications, including "Barrier Free Meetings: A Guide for

Professional Associations." Information and referral services (including career counseling and referral) are provided free of charge; there is a small charge for publications.

American Association of Higher Education (AAHE)
One Dupont Circle, N.W.
Washington, D.C. 20036

Provides the HEATH Resource Center where a hot line is available Tuesday, Wednesday, and Friday, 1-5 p.m. EST, to answer questions or to refer to available resources. A number of resource flyers on a variety of subjects such as "The Learning Disabled Student" are also available from the Resource Center. The Center sends quarterly bulletins to campuses, offers information on providing seminars at meetings, collects information on campus activities, and refers people to campuses where others with similar disabilities have been accommodated.

American Association of University Affiliated Programs
for the Developmentally Disabled
1100 17th Street, N.W., Suite 908
Washington, D.C. 20036

Provides a central office and focal point for a number of activities of importance to the 35 University Affiliated Facilities located throughout the United States. The UAF program is the first major interdisciplinary approach to meeting the needs of developmentally disabled persons and provides for comprehensive and interdisciplinary training of a broad range of professional and paraprofessional persons working with disabled individuals. It also strives to provide model systems incorporating a full range of services such as comprehensive and interdisciplinary screening, evaluation, treatment planning and educational programming. Training sites are located at, or affiliated with, leading colleges and universities throughout the country.

American Coalition of Citizens with Disabilities, Inc.
1346 Connecticut Avenue, N.W., Room 817
Washington, D.C. 20036

This nationwide umbrella advocacy organization representing virtually every disability serves as the focal point for national action on behalf of disabled people and is involved in all concerns common to disabled people. Through a current organizational network of 60 national, state, and local group members, 36 million disabled citizens speak to their own needs and concerns. ACCD can provide information and referral services in rehabilitation, employment,

education, housing, transportation, civil rights, and mainstreaming in all facets of daily life.

American Council of the Blind
1211 Connecticut Avenue, N.W.
Suite 506
Washington, D.C. 20036

A national organization primarily of blind people, its goals are to: (1) provide a forum for the views of blind persons; (2) elevate the social, economic and cultural level of blind individuals; (3) improve educational and rehabilitational facilities and broaden vocational opportunities; (4) encourage and assist blind persons in developing their abilities and potentialities and in assuming their responsible place in the community; (5) cooperate with public and private institutions and agencies of and for blind persons; (6) provide for a free exchange of ideas and information relative to matters of concern to blind people through publication; and (7) conduct a program of public education aimed toward improving the understanding of the problems of blindess and of the capabilities of blind people. The Council is a source of information on the following subjects related to blindess: education, employment including the special needs of blind employees, transportation, health, auxiliary aids, and so forth. ACB will answer inquiries by phone or letter and will provide referral services to local organizations and service providers. Staff will appear at conferences, and provide consultative service to other organizations.

American Council on Education (ACE)
One Dupont Circle, N.W.
Washington, D.C. 20036

The ACE has had major responsibility for coordinating the HEATH Project and can answer questions of a general nature concerning the various project components. However, most questions are referred directly to the HEATH Resource Center or to the association that provides general assistance to a specific campus office, such as the Association of Physical Plant Administrators or the American Association of Collegiate Registrars and Admissions Officers.

American Foundation for the Blind
15 West 16th Street
New York, New York 10011

Established to carry on research, collect and disseminate information, and advise on matters that improve and strengthen services to blind people. A national clearinghouse for information about blindness, AFB provides

information in areas such as: education of visually impaired individuals and the personnel who deal with them; employment, including vocational rehabilitation, hiring regulations and the special needs of blind and visually impaired employees; recreation and physical education; and special treatment aids. For a wide spectrum of health, social service and educational institutions, AFAB's staff of technical experts will answer inquiries, provide publications, and make referrals to other sources of information. In addition, AFB mounts specialized workshops on issues such as employment of the visually disabled and education of the blind child, for field experts. Fees for some services.

American Library Association
Health & Rehabilitative Library Services Division
50 East Huron Street
Chicago, Illinois 60611

The division is a service arm of this professional and membership association whose mission is to develop and implement standards for library materials, services, and personnel and to foster study and research in library services to special groups, including people with disabilities. The division can provide information and publications on physical accessibility and on the design of library services and programs for people with disabilities; requests can be handled by mail or by phone, and there are no charges for information and referral services.

American Printing House for the Blind
1839 Frankfort Avenue
Louisville, Kentucky 40206

A national, nonprofit agency for blind persons in the United States and one of the largest publishing houses for visually handicapped persons in the world. Its activities are centered around the publication of literature for blind persons; the development and manufacture of educational aids and appliances for use by blind persons; educational and technical research relating to publishing literature for blind persons; and the manufacture of tangible aids for the use of visually handicapped persons. The Instructional Materials Reference Center, which is situated in the Printing House, is a source of information on education, research and equipment/special devices/aids, and also coordinates the services of volunteers who produce a large number of special materials. By Congressional order, APHB is the official schoolbook printery for all blind students of less than college age. It is particularly strong in providing information about new materials and educational aids and about the availability of text books in Braille, large type, and on tape. APHB answers inquiries and makes

referrals to other information centers and service providers, and prepares bibliographies, abstracts or indexes in response to certain direct requests. Ink print catalogs of the thousands of items manufactured by the Printing House are available on request and the information is provided free of charge.

American Speech and Hearing Association
9030 Old Georgetown Road
Washington, D.C. 20014

A membership organization for professionals in such fields as speech and language, pathology, audiology, and speech and hearing research. Its goals include maintaining high standards of clinical competence for professionals, encourgaging the development of comprehensive clinical service programs, and stimulating exchange of information on communications impairment. ASHA is a source of descriptive information about handicapping conditions in areas such as education, including formal education of disabled individuals and of personnel working with them; employment of people in the field of speech and hearing; and certification of individuals, clinics, and training programs. ASHA can provide health, social service, and educational institutions with guidance on the special adaptive equipment needed to accommodate hearing-impaired and deaf individuals. In addition, it can make referrals to other information sources and to local professionals working in the field. Publications available; fee for services.

Association for Children with Learning Disabilities
4156 Library Road
Pittsburgh, Pennsylvania 15234

This national association of parents of children with learning disabilities, and people with professional and personal interest in that area, serves as a resource center for information about disabilities, offering approximately 400 publications at cost. ACLD works primarily through 755 local chapters which range in size and type of services offered. All chapters, however, can work closely with educators to define needs of learning-disabled children, and to identify where additional resources may be applied, and where they may be secured. The national office will provide basic information about learning disabilities and the contact person for the nearest local chapter.

Association for Students with Handicaps
Box 2
800 21st Street, N.W.
Washington, D.C. 20015

Open to all student organizations and their members who are involved in disabled-students' activities in higher education, this new organization grew out of the 1976 conference at Wright State University in Dayton, Ohio, for organizers working with programs for handicapped in higher education.

Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Though its main thrust is education of the handicapped through pre-elementary and secondary school until age twenty-one, BEH has provided many helpful projects that relate to education of all handicapped individuals, an example of which was the Directory of Colleges for Students with Handicaps, a contract to identify higher education programs for the handicapped.

California Association for the Physically Handicapped
Box 22552
Sacramento, California 95822

A state coalition of organizations of consumers formed to provide joint efforts to the handicapped population of California, CAPH publishes a monthly newsletter, "New World for the Physically Handicapped" $3.00.

Caucus of Adults with Cerebral Palsy
c/o UCPA of New York City, Inc.
122 East 23rd Street
New York, New York 10010

A national consumer organization representing the interests of adults with cerebral palsy, the caucus believes it can serve these interests best by joining with others to form a united front and working toward common objectives in all areas of living. The caucus can provide consumer input for compliance planning, or refer institutions to other organizations of consumers in local communities.

Center for Education for Non-Traditional Students (CENTS)
731 21st Avenue
South Minneapolis, Minnesota 55454

A center with a grant to put on workshops for postsecondary education personnel on awareness of the needs of the handicapped. The effort is primarily directed at departmental-level personnel (e.g. Financial Aid, Admissions Office, etc.). They also produce a quarterly memo letter.

Center on Human Policy
216 Ostrom Avenue
Syracuse, New York 13210

A Syracuse University-based advocacy organization involved in the national movement to insure the rights of people with special needs, the center is committed to fundamental social change in the areas of education, vocational and rehabilitative programming and residential services for people with disabilities. The center works with community groups, trains local and national community leaders, distributes organizing materials, and supports activist groups in other ways.

Center for Innovation in Teaching the Handicapped
2805 E. Tenth Street
Bloomington, Indiana 47401

Founded at Indiana University as a national research and development agency to perform research including studies and evaluation of teacher behaviors and their effect on pupil learning, the center provides graduate training in research and evaluation, special education in-service training programs for school systems, and materials evaluation.

Center for Program Development and the Handicapped
City College of Chicago
185 N. Wabash Avenue
Chicago, Illinois 60601

An innovative center to develop programs and aids to assist the most severely disabled students. Job development and career education for college students in the greater Chicago area is the main thrust of this program, but it has become a model for many university-based service delivery systems.

Closer Look
Box 1492
Washington, D.C. 20013

A national information center established to help parents of disabled children and youths locate educational programs and other kinds of special services and resources, it places a special emphasis on the rights of the disabled individual. It instructs parents of disabled children on how to organize parents groups, gives technical assistance to coalitions working with disabled individuals, and helps plan state and local conferences on handicapped children. It has information on subjects such as specific handicapping conditions, education of disabled children, and recreation/physical education. It will answer inquiries, make referrals and send brochures, fact sheets, bibliographies and other materials. Although it is primarily set up to serve parents and close relatives of handicapped children, services are extended to professionals acting on behalf of disabled children. Services are not geared to supplying publications in bulk to professionals nor is the organization set up to assist research workers. All information is provided free of charge.

Council for Exceptional Children
CEC Information Services
1920 Association Drive
Reston, Virginia 22091

The principal purpose of CEC is to advance the education of exceptional children and youth. To further this end, it works closely with educational organizations, school administrators, supervisors, parents, and teachers to strengthen and reinforce educational processes for exceptional children. The council will provide technical consultation in the evaluation and design of appropriate programs, procedures, and policies for the education of exceptional children at the classroom, administrative, school district, and state levels, and will also provide a variety of training programs for education professionals. CEC maintains a variety of information services, including the ERIC Clearinghouse on Handicapped and Gifted Children and its own Information Center. Together, these services reference over 20,000 books, journal articles, curriculum guides, conference reports, research reports, guidelines, and other similar materials. CEC also operates the State-Federal Information Clearinghouse for Exceptional Children, which maintains a data bank on state and federal laws, regulations, and litigation involving exceptional children. Customized computer searches of the literature are printed as well as topical bibliographies on popular topics. It also offers a wide variety of bibliographic and substantive publications, as well as professional journals, books, and resource materials in many areas including early childhood

education, delivery of services, assessment and placement, research, children's rights, career education, and so forth. Answers to telephone inquiries, referrals to other information centers, brochures, fact sheets, and on-site use of the Information Center holdings are provided free of charge; there are fees for other services and for publications.

Disabled American Veterans
807 Maine Avenue, S.W.
Washington, D.C. 20024

Founded to promote the welfare of disabled veterans and their dependents and to provide a service program to assist them in claims before the Veterans Administration and other government agencies.

Federal Programs Advisory Service
2120 L Street, N.W.
Washington, D.C. 20037

Publishers of the "Handicapped Requirement Handbook" Everything there is to know about requirements for the handicapped. Referencing and indexing systems which are applicable to administrators' and managers' needs. Includes: technical information, laws and regulations, program accessibility information, court cases, monthly supplement publication, glossary of terms.

Gallaudet College
Florida Avenue & Seventh Street, N.E.
Washington, D.C. 20002

Gallaudet College is the only liberal arts college in the world established for deaf students. It operates a number of programs which can be important information sources on deafness/hearing impairment. The library has general information on the subject as well as on areas such as: employment, including vocational rehabilitation and training and the rights, hiring regulations, and special needs of deaf employees; education of deaf individuals and persons working with them; and equipment/special devices/aids. The Linguistic Research Laboratory is concerned with the language of deaf persons and with the application of language science to materials, curricula, and strategies for learning. The National Center for Law and the Deaf, a focal point for legislation and legal actions on behalf of deaf and hearing-impaired persons, collects information on such subjects as income maintenance/security, including insurance discrimination, and special tax benefits for deaf persons; and employment of deaf persons and their legal rights. The Office of Demographic Studies collects data on the school-

age, hearing-impaired population, and from it prepares analyses and reports on such subjects as types and sizes of edcuation programs and development test analyses. Information from many of these programs is available free of charge.

The George Washington University
1828 L Street, N.W.
Washington, D.C. 20030

RRRI Center, George Washington University, (Attitudes and Disabilities)

A selected annotated bibliography developed by the Regional Rehabilitation Research Institute on Attitudnal, Legal and Leisure Barriers at The George Washington University. This is an extremely valuable document. The annotations are divided into several major categories: (1) attitudes related to specific disabilities, (2) attitudes of disabled persons, (3) attitudes of rehabilitation and medical professionals, (4) attitudes of family members, (5) attitudes related to education, (6) attitudes related to employment, (7) attitudes of general society, (8) theories and methods related to attitudinal development and change, and (9) instrumentation for measuring attitudes. There are over 450 publications listed.

Library of Congress
Division for the Blind and Physically Handicapped
Washington, D.C. 20542

This division serves principally as a source of general reading materials for people with vision impairments or physical disabilities that prevent the use of ordinary print. It has materials for younger children, an extensive collection of recreation books, and classics. All materials are distributed through a system of 54 regional and 96 local libraries that circulate them to eligible readers. Materials are offered in Braille and on recorded disc and cassette, or in large type. Although the primary objective is to service readers, DBPH also provides information and referral services to lay and professional inquirers. It can provide information on sources of specialized materials like textbooks, and to organizations, agencies, and institutions that provide transcription and recording services. It can provide guidance in library services for blind and physically disabled readers and in auxiliary aids and appliances.

Mainstream, Inc.
1200 Fifteenth Street, N.W.
Washington, D.C. 20005

A nonprofit organization that provides information and referral services and direct technical assistance on issues surrounding employment of people with disabilities, Mainstream will undertake, for a fee, architectural barriers surveys at the worksite. They will undertake job accommodation studies and recommend cost-effective worksite and job modifications to reflect the various needs of people with specific disabilities. They provide consultation and referral services on insurance, benefits, and union concerns, and can mount human relations seminars for employees, which combine factual information about disabilities with material on such matters as interviewing techniques and with sensitivity activities. The staff will appear at conferences to discuss employment issues. Most services, including assistance in recruitment and other affirmative action programs, are offered at cost to corporations and other organizations; information and referral services are free.

National Association of the Deaf
814 Thayer Avenue
Silver Spring, Maryland 20910

An organization of deaf, deaf-blind and hearing-impaired individuals that seeks to bring deaf persons in contact with one another and to support their needs, NAD's goals include serving deaf persons and promoting their unique needs in legislation, education, communication, health, and fighting discrimination in insurance and employment. In addition, NAD is a publisher and a clearinghouse of information relating to deafness, and on-site use of its holdings is permitted. It can serve as an information source to health, social service, and educational institutions on the special needs of deaf persons in areas such as auxiliary aids, employment, awareness, and insurance. It will answer inquiries, send brochures and other publications, and make referrals to other information centers and direct service providers; there are no fees for services.

National Association of the Physically Handicapped
12614 Flack Street
Wheaton, Maryland 20906

A national self-help action group of physically handicapped persons and non-handicapped associate members, NAPH works to improve the social, economic, and physical welfare of all physically handicapped persons. It can provide information and referral services and is particularly concerned with removal of architectural barriers, especially in public

buildings. Other areas of expertise include transportation, physical fitness, and sports. It can provide information free of charge and refer inquirers to local chapters which can provide consultative services.

National Center for Law and the Handicapped
1235 N. Eddy Street
South Bend, Indiana 46617

Established to protect and insure equal protection under the law for all handicapped individuals through provision of legal assistance, legal and social science research activities and programs, and processes of public education and professional awareness. In addition the center has information and programs on the legal education of persons working with disabled persons and on civil rights and legislation. The center's free bi-monthly publication "Amicus" is also an important information source for both the legal and lay public.

National Congress of Organizations of the
Physically Handicapped, Inc.
7611 Oakland Avenue
Minneapolis, Minnesota 55423

An umbrella for national, state, and local organizations of physically handicapped persons, the congress supports these member organizations by advising them on their daily operations, by coordinating their efforts, and by representing them at the national and state levels. NCOPH serves as a clearinghouse and library for publications by or about physically handicapped persons, as well as an information source about the special needs of physically disabled individuals. It acts primarily as a referral agency to other information centers and to its member organizations. There is no fee for this service.

National Federation of the Blind
1346 Connecticut Avenue, N.W
Washington, D.C. 20036

As the largest organization of blind persons in the United States, with 450 chapters and 50,000 members, the federation's purpose is the integration of the blind into society on a basis of equality. Through chapter meetings and state and national conventions, the blind express their needs and formulate programs to meet those needs. This involves the removal of legal, economic, and social discrimination, and educating the public to new concepts about blindess. The NFB provides literature about blindness, available in print, talkingbook, or braille, and has a toll-free telephone number (800/424-9770) so that

blind or sighted persons can gain information about federal or local programs. The NFB actively protects the rights of blind persons by sponsoring legislation, or through litigation or negotiation, and serves as the main advocate of the blind themselves.

National Paraplegia Foundation
333 North Michigan Avenue
Chicago, Illinois 60601

A national consumer organization, NPF is concerned with the total problem of paraplegia and spinal cord injury. Beyond encouraging a wide range of basic scientific research, it is an advocate for the best possible medical and rehabilitation care. NPF can provide a wide range of information on self-help devices, auxiliary aids, personal care, and architectural barriers to professionals, institutions, and people who are paraplegics.

Paralyzed Veterans of America
3440 East-West Highway
Washington, D.C. 20014

PVA is a national organization established to further technological advances in rehabilitation methods and devices and to support improved programs of medicine, rehabilitation, and social integration not only for veterans, but for all individuals with spinal cord injury. It is a source of information for nonveterans as well as veterans and covers a broad scope of issues affecting any disabled person. PVA can provide information and referral services in education, employment, architectural barrier removal, housing, and auxiliary aids. Information services are provided free of charge, and PVA can refer inquirers to local chapters for consultative services.

President's Committee on Employment of the Handicapped
1111 20th Street, N.W.
Washington, D.C. 20210

Provides public education and information services primarily designed to create attitudes favorable to employment of individuals who are disabled. PCEH will prepare and deliver programs, plans, and information to state and local committees, including start-up plans for local employment programs. The committee is specifically set up to serve state and local groups and professionals, and will provide brochures, pamphlets, or fact sheets; lend films or other audiovisuals; prepare bibliographies, indexes, or abstracts in response to certain individual requests; and make referrals to other information sources.

Programs for the Handicapped
Smithsonian Institution
National Air and Space Museum
Room 3566
Washington, D.C. 20560

Offers to federally funded arts and cultural institutions guidance on how to make their facilities and programs accessible to disabled people. This service is available to organizations such as community arts centers, museums, and historical societies. The program will respond to telephone and written inquiries, make referrals to other information sources, and send publications on such areas as physical accessibility, auxiliary aids, and program planning. The staff also has the capacity to make site visits to institutions and to offer on-the-spot assessments of plants and programs. Fees vary with services.

Public Interest Law Center of Philadelphia
Developmental Disabilities Project
1315 Walnut Street
Philadelphia, Pennsylvania 19107

Provides legal counsel to and legal representation of disabled people and their organizations before the legislature in administrative hearings and in negotiation with service providers and agencies. Although primarily set up to assist disabled individuals and groups, the project can be a source of information on the legal aspects of such issues as employment, transportation, and education of disabled people. The project staff can serve on advisory committees, supply information and referrals, and mount training workshops for consumers.

Recording for the Blind, Inc.
215 East 58th Street
New York, New York 10022

A national service organization which supplies taped educational books in open reel and cassette form, free on loan, to visually, perceptually, and physically handicapped students whose objectives are to earn diplomas and academic desgrees, RFB also services blind and otherwise handicapped adults who require specialized aural educational materials to maintain business and professional roles. RFB's library contains over 33,000 titles. It distributes a pamphlet, "Guide to Effective Study Through Listening" to assist educators, counselors, and others interested in aural study systems. See recordings are provided free, on loan, for as long as required.

Registry of Interpreters for the Deaf
P.O. Box 1339
Washington, D.C. 20013

A national organization established to provide translating/interpreting services to hearing-impaired people of the U.S. and its territories, the registry recruits and edcuates persons to become interpreters, maintains a registry of accredited interpreters and translators, and publishes literature regarding various aspects of interpreting and translating. RID serves as the central coordinating agency for the field of interpretation, and will answer inquiries, send publications, and make referrals to other information centers, especially local RID chapters which have information about local interpreting services. These services are available to health, education, and social service agencies, and are provided free of charge.

Teletypewriters for the Deaf
P.O. Box 28332
Washington, D.C. 20005

A national organization to foster the acquisition and distribution of teletypewriters among deaf people and the institutions which communicate with them. Its primary aim is to foster effective telecommunication for all individuals with hearing impairments.

Section H

BIBLIOGRAPHY

The American Association for the Advancement of Science:

The following list outlines publications available from the Project on the Handicapped in Science. Unless otherwise indicated, publications should be ordered from: AAAS, Sales Office, 1515 Massachusetts Avenue, N.W., Washington, D.C. 20005. All orders must be prepaid.

Barrier-Free Meetings: A Guide for Professional Associations, an aid to professional societies in eliminating physical barriers which limit the participation of handicapped individuals in their meetings. The book covers four stages of meeting planning: initial preparation; pre-meeting preparation; during the meeting; and follow-up. It includes many sample forms, resource lists, questionnaires, drawings and photographs illustrating the how and why of accessibility planning.
Martha Ross Redden, Wayne Fortunato-Schwandt and Janet Welsh Brown, 1976, ISBN 0-87168-229-X, $4.00 (AAAS members $3.75)

Resource Directory of Handicapped Scientists, a reference listing 560 disabled scientists, many of whom are available to consult in areas such as laboratory and curriculum adaptations for handicapped students, architectural and program accessibility, and their individual scientific disciplines.
Janette Alsford Owens, Martha Ross Redden and Janet Welsh Brown, 1978, $3.00

Science for Handicapped Students in Higher Education, details the barriers obstruction the participation of handicapped students in post-secondary science education. The study included a conference of handicapped students and scientists, college faculty and administrators, and persons involved in vocational rehabilitation and support service programs for handicapped college students, on which this document is based.
Martha Ross Redden, Cheryl Arlene Davis and Janet Welsh Brown, 1978, $3.00

A Research Agenda on Science and Technology for the Handicapped, report of a project which identified priority research needs in the area of science and technology for the disabled.
Janet Welsh Brown and Martha Ross Redden, 1979, Free.
Order from: Project on the Handicapped in Science, AAAS, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036

Scientific and Engineering Societies: Resources for Career Planning, a guide detailing information from 88 professional societies on planning and opportunities

for careers in the sciences and engineering. It constitutes an essential sourcebook for high school and college students, for adults interested in changing professions, and for career, job, or vocational counselors working in any setting.
Virginia W. Stern and Martha Ross Redden, 1980, ISBN 0-87168-246-X,
$6.00 (AAAS members $5.40)

Bulletins on Science and Technology for the Handicapped, serve as a vital element of the communications link among planners, researchers, developers, manufacturers, and consumers of technology for the handicapped. Bulletins report on workshops conducted by PHS; current research supported by federal, state, local or foundation funding; potential funding sources for research and development; new products of special interest; and resource lists for additional information in these areas.
Project on the Handicapped Staff. Quarterly, since May 1980. Free. To be placed on the mailing list contact: Project on the Handicapped in Science, AAAS, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036 (Back issues available upon request--please specify)

Independent Living and Its Implications for Research in Science and Technology for the Handicapped, proceedings of the 1980 Regional Workshops conducted by PHS. Incudes 33 papers, summaries of participant discussions, and action plans for ongoing projects.
Virginia W. Stern, Martha Ross Redden and Jill Groce. Free. Order from: Project on the Handicapped in Science, AAAS, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036

Access to Science, attacks the invisibility of disabled students by spreading information to the science community on accessibility, specially adapted science programs and the problems faced by disabled students and their coping strategies. It highlights the lives of successful disabled scientists and student career goals.
Tufts R&T Center and Project on the Handicapped Staff. Quarterly, 1977-1978, free. Back issues available from Project on the Handicapped in Science, AAAS, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036

Resource Group News, an information exchange between the Resource Group of Handicapped Scientists and the Project on the Handicapped in Science.
Janette Alsford Owens and Virginia W. Stern, 1980, free. Project on the Handicapped in Science, AAAS, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036

Biehl, G. Richard, Guide to the Section 504 Self-Evaluation for Colleges and Universities, Washington, D.C., 1978.

This Guide is written for colleges and universities that are covered by Section 504, or those that may not be covered but wish to eliminate barriers to full participation in their programs and activities. It does not address complicated legal issues related to coverage, which are the ultimate responsibility of the institution and its legal counsel.

This Guide, as its title indicates, is designed to assist college and university officials in the completion of their Section 504 institutional Self-Evaluations. The purpose is to provide a process that will enable individuals to organize effectively and identify easily those areas in their institutions that require evaluation. The materials offer institutions a useful format for the Self-Evaluation and assist in the tasks of planning actions, collecting data, scheduling the completion of required action, maintaining records, and monitoring compliance.

Cornelius, Debra, Inside Out, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1980.

This booklet shows some ways in which your attitudes affect the lives of people with hidden disabilities and how you can work to reduce and eliminate discrimination toward this important group of citizens.

Cornelius, Debra, et. al., Sense Ability, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1979.

This booklet addresses some of the negative attitudes which still affect the lives of visually impaired people in our society, and offers specific suggestions on how to interact positively with blind citizens.

The George Washington University, "Quarterly Report on Higher Education Publications," ERIC Clearinghouse on Higher Education, 1978.

As part of a continuing effort to cooperate with higher education agencies and associations to make useful information more accessible, the ERIC Clearinghouse on Higher Education issues this Quarterly Report on Higher Education Publications. Contents include recent publications and works being prepared for publication by the various higher education organizations in the Washington, D.C. area.

Iowa Western Community College, "Description of Programs and Services for Handicapped and Disadvantaged," 1979.

This report was compiled in answer to the question, "Wh[illegible] is the Special Needs Program?" The Special Needs Program is not a single structured program involving curriculum. It is a comprehensive accumulation of regular college programming with injected support services and reasonable accommodations or

options. Attention to individual needs, potential for success, employment goals, provision of necessary support services and cooperation with regular vocational programs makes it possible for Special Needs students to be successful.

Marx, Pat, and Perry Hall, editors, Change Strategies and Disabled Persons: Postsecondary Education and Beyond, Sponsored by Wright State University and the Bureau of Education for the Handicapped, 1978.

These materials were intended to serve as a stimulus for creative approaches to developing and utilizing media and print materials in attitude development programs.

The readers of this publication should not assume that the proposed methods will meet all needs of all students. The papers reflect the experience of particular institutions and should be viewed as an aid in planning and evaluating service programs with physically disabled students.

Marx, Pat, and Perry Hall, editors, Proceedings of the Disabled Student on American Campuses: Services and the State of the Art, sponsored by Wright State University and the Bureau of Education for the Handicapped, 1977.

The reader of this publication should not assume that it represents final solutions, rather it is a distillation of conference proceedings, with some recommended solutions, some plans of attack, and a good deal of putting into perspective. The material in this publication will prove valuable in planning a program for/with disabled students.

McLennan Community College, College for the Physically Handicapped, 1978.

These guidelines will assist college counselors and instructors in working with the physically limited and provide some insight into the problems encountered by these students. While it is impossible to cover all of the difficulties, these generalizations may be helpful.

Milner, Margaret, Planning for Accessibility, An APPA Publication, n.d.

This manual has been prepared to assist college and university administrators in making their campus facilities accessible to physically handicapped students, faculty, and staff. Recognizing the uniqueness of each campus, the guidelines and recommendations for action set forth are presented as starting points for each institution to use in tailoring a program that will respond to its own particular needs.

Mistler, Sharon, et.al., Beyond the Sound Barrier, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1978.

This booklet deals primarily with attitudinal barriers facing deaf and hearing-impaired individuals: what the major barriers are, how to recognize them, and what you can do about them.

Mistler, Sharon, et. al., Counterpoint, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1978.

This booklet deals primarily with attitudinal barriers facing nondisabled people: what the major barriers are, how to recognize them, and what you can do about them.

Mistler, Sharon, et. al., Dignity, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, n.d.

This booklet seeks to help overcome negative attitudes toward persons with mental retardation by pointing out some harmful attitudes and myths, and offering suggestions on what can be done to improve the quality of life for citizens with mental retardation.

Mistler, Sharon, et. al., Free Wheeling, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1978.

This booklet deals primarily with attitudinal barriers facing people who use wheelchairs: what the major barriers are, how to recognize them, and what you can do about them.

Mistler, Sharon, et. al., Overdue Process: Providing Legal Services to Disabled Clients, Regional Rehabilitation Research Institute on Attitudinal, Legal and Leisure Barriers, 1979.

The purpose of this booklet is to show some of the common myths, stereotypes, and attitudinal barriers faced by disabled citizens. The booklet also shows how these attitudes apply to the legal profession and what can be done to help break down attitudinal barriers.

National Federation of the Blind Student Division, Handbook for Blind College Students, 1977.

This handbook compiled by the National Federation of the Blind Student Division is intended to serve as a guide to the use of various library, rehabilitation, and other services available throughout the country to blind students. Much of the material in the text portion consists of recommendations and suggestions on the matters of college education discussed.

Potter, Laurie, Academic and Program Accessibility, vol. 2, no. 2, 1978.

This article touches briefly on the architectural aspects of the 504 regulations and explores compliance as it relates to academic and programmatic accessibility.

Potter, Laurie, Are Disabled Students Socially Acceptable on Campus?," Kansas City, MO, 1979.

Disabled students are suing a few colleges and universities in order to gain access to campuses. Some colleges are opening offices of specialized services to cope with the needs and demands of disabled students. This paper explores attitudinal trends and working ideas emerging from the four major groups involved in the world of the disabled student on campus: peers, faculty and staff, administrators, and surrounding community.

Potter, Laurie, Legislative Compulsion of Attitudinal Changes: Higher Education for the Physically Disabled and Other Minorities in the 1980s," New Jersey, 1978.

This paper is concerned with higher education's commitment to the minority student, with emphasis on the physically disabled student. Dynamic relationships are explored between leaders, legislation and attitudinal change in society in reference to the acceptance of minority students. A comparison is made between the United States' 504 regulations and legislation emerging from the Warnock Report in Great Britian.

The President's Committee on Employment of the Handicapped, About Jobs and Mentally Retarded People, National Association for Retarded Citizens, n.d.

This booklet is for parents and friends of mentally retarded people, to give them some notion of the world of work and the world of preparation for work. It is for rehabilitation counselors and employment placement specialists, psychologists, social workers, and all others called upon to give guidance and advice to retarded people wanting to prepare for jobs. It is for employers who either hire or plan to hire mentally retarded people.

The President's Committee on Employment of the Handicapped, Rehabilitation Worldwide, Washington, D.C., 1976.

The purpose of this publication is not to afford the reader an exhaustive survey of rehabilitation attempts that predominate in the international sphere, but to make the single impression that there are indeed far-reaching efforts going on, day in and day out, parallel with the rehabilitation forces familiar to the national scene.

Redden, Martha Ross, et.al., Recruitment, Admissions and Handicapped Students, The American Association of Collegiate Registrars and Admissions Officers, 1978.

This guide is an effort to interpret the letter and the spirit of civil rights legislation as it applies to admissions policies at postsecondary institutions. Eight activities that are part of the admissions process will be viewed in the light of Section 504: recruitment, publications; applications forms, interviews, and recommendations; testing; financial aid; orientation; registration; and grievance procedures. The discussion of these activities includes: citations from the regulation that affect the activity; an interpretation of the citations; some imperatives for institutional policy; and examples of how an institution can carry out both the letter and the spirit of the law.

Redden, M., and Stern, V., Editors, Scientific and Engineering Societies: Resources for Career Planning, American Association for the Advancement of Science, 1980.

Offers counselors and students an overview of the wide range of career possibilities in science and engineering based on information provided by 82 professional societies. To order, prepay $6 to AAAS Sales Department, 1500 Massachusetts Avenue, N.W., Washington, D.C. 20005.

Stangarone, James, et.al., Registry of Interpreters for the Deaf, Inc., Regional Directory I-X, 1978.

The R.I.D., Inc. Regional Directory has been designed to provide information on interpreting services and certified interpreters for agencies and individuals who serve the hearing-impaired. The Directory provides not only a ready reference for certified interpreters but also answers often-asked questions about interpreting services.

Straus, Robert, The Clustering of Human Problems, 1965.

An identification of the clustering tendency of almost all forms of human pathology is important in considering the concept of rehabilitation. This paper shows that a growing recognition of the clustering principle by those responsible for formulating public policy, designing programs of social welfare, and implementing different kinds of rehabilitation can have a significant impact on the nature of rehabilitation programs and their response to conditions of social change.

ADDITIONAL PUBLICATIONS OF SPECIAL INTEREST:

Services for Handicapped College Students

Accommodating Students Who Have Physical Disabilities. A manual covering all aspects of serving handicapped students, including admission, counseling, architectural accessibility, and job placement, 1975, ED number 115046. Available in paper for or microfiche for from: EDRS, P.O. Box 190, Arlington, VA 22210.

Campus Advocacy: How to Start an OPIDS. Guidelines on establishing an office to assist handicapped students to conduct independent lives on campus, prepared by a disabled-students group at a southern university, 1977. Single copies free from: Office to Promote Independence of Disabled Students, Activities Center, University of Georgia, Athens, GA 30602.

Community Colleges and the Developmentally Disabled. A guidebook to help community colleges develop programs to train direct-care personnel for new community residential facilities for developmentally disabled people, by David Bilovsky and Jane Matson, 92 pages, 1977. Available for $5.00 from: American Association of Community and Junior Collegs, One Dupont Circle, N.W., Washington, D.C. 20036.

Conference on Higher Education of the Disabled..Whose Responsibility. Contains speeches of conference participants on disabled students in postsecondary settings and related issues. California State University, July 1978, 76 pages. Available free from: National Center on Deafness, California State University, Northridge, 18111 Nordhoff, Northridge, CA 91330.

The Disabled Student on American Campuses: Services and State of the Art. Proceedings from a conference held in August 1978 at Wright State University. Presentations and summaries of discussion and recommendations for postsecondary educational institutions, government agencies, and consumers. Available for $2.50 from: Pat Marx, Director, Handicapped Student Services, Wright State University, Dayton, OH 45431.

Accessibility

Accessibility Assistance: A Directory of Consultants on Environments for Handicapped People. Includes design professionals, state and local agencies, voluntary service organizations, and others providing technical assistance on accessibility. Both voluntary and free-based services are covered. Compiled by the National Center for a Barrier Free Environment for the Community Services Administration, November 1978. Available for $3.25 prepaid, $4.25 if billed, from: National Center for a Barrier Free Environment, Seventh and Florida Avenue, N.E., Washington, D.C. 20002.

APPA Speaker/Consultant Registry. Listing of individuals who are available for consultation or speaking engagements and are experienced in planning to accommodate handicapped students. User's fee, $4.00. Write to: Association of Physical Plant Administrators of Universities and Colleges, Eleven Dupont Circle, Suite 250, Washington, D.C. 20036.

American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1). The standard reference in Section 504 regulations and the basis for most state and local accessibility codes, 1961, revised 1971. Available for $2.75 from: American National Standards Institute, 1430 Broadway, New York, NY 10018.

Architectural Accessibility for the Disabled of College Campuses. An illustrated guide to the State University Construction Fund standards, covering all campus facilities. Includes policy statements as well as rationale sections explaining factors underlying design requirements. By Stephen R. Cotler, RA, and Alfred H. DeGraff for the New York State University Construction Fund, October 1976. Single copies free from: Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Washington, D.C. 20201.

Assuring Access to the Handicapped. New Directions in Higher Education. Edited by M.R. Redden, 1979. Available for $5.95 from Jossey-Bass Publishers, Inc., 433 California Street, San Francisco, CA 94104.

Creating an Accessible Campus. Comprehensive review of issues, problems and suggested solutions related to campus accessibility. Includes chapters on design specifications, accessible laboratories, and instructional aids for handicapped students; illustrated, October 1978. Available for $4.50 prepaid or $5.50 if billed from: Association of Physical Plant Administrators of Universities and Colleges, Eleven Dupont Circle, Suite 250, Washington, D.C. 20036.

Making Colleges and Universities Accessible to Handicapped Students. A four-page architectural checklist for design and construction phases of campus projects, and for evaluating the accessibility and usefulness of existing campus facilities. By the State University Construction Fund, reprinted by PCEH. Available from: President's Committee on Employment of the Handicapped (PCEH), 1111 20th Street, N.W., Room 606, Washington, D.C. 20210.

Programming an Adapted Physical Education Facility. Presents a programming method for systematically dealing with all aspects of an adapted physical education facility at the college or university level; illustrated. Available for $3.20 from: School of Design, North Carolina State University, Box 5398, Raleigh, NC 27607.

Resource Guide to Literature on Barrier-Free Environments. A guide to the state-of-the-art on barrier related literature, research, studies, and legislation. Architectural and Transportation Barriers Compliance Board, Washington, D.C., 1977 (updated in 1980). Available free from: Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Washington, D.C. 20201.

Publications for Specific Disabilities

Handbook for Blind College Students. National Federation of the Blind, 1977. Available for $2.00 from the National Federation of the Blind, 1800 Johnson Street, Baltimore, MD 21230.

The Deaf College Student: A Guide to College and University Faculty and Administrators. This guide comes packaged with A Guide to College/Career Programs for Deaf Students. Gallaudet College, Washington, D.C., 1979. Available free from Alumni Public Relations Office, Gallaudet College, 7th and Florida Avenue, N.E., Washington, D.C. 20002.

Attendees and Attendants: A Guidebook of Helpful Hints. College and University Personnel Association, Washington, D.C., 1979. Available for $4.00 from: College and University Personnel Association, 11 Dupont Circle, N.W., Washington, D.C. 20036.

Biology for the Blind. Euclid, Ohio, Public Schools, by D. Tombaugh, 1973. Available for $4.00 from: Euclid Public Schools, 651 East 222 Street, Euclid, OH 44123.

PART II

PROGRAM ACCESS AND ACCOMMODATION FOR HANDICAPPED STUDENTS IN HIGHER EDUCATION

The Section 504 Presentations
Given at the 1979-1980 Workshop-Conferences
Organized by the American Association of University Professors
for Faculty Colleagues

by

Robert L. Carothers
Alfred H. DeGraff
Neal M. Hoffman
Guy C. McCombs, III
Philip S. Jastram

About the Authors:

Dr. Robert L. Carothers was chairman of the English Department at Edinboro State College, Edinboro, Pennsylvania, when he was participating in these workshops. In the few months since then, he became Dean of Arts and Humanities and then Vice President for Administration and Student Services. His involvement in the development and implementation of the Wheelchair Campus Program at the college has provided him with a great deal of expertise regarding the role of faculty persons and accommodating the handicapped student. Dr. Carothers has been a workshop facilitator on many occasions and has published on the subject of academic survival skills for handicapped students.

Alfred H. DeGraff, Director of Disabled Student Service, a department of student life at Boston University, is a quadriplegic. He recently completed a national lecture tour on Section 504 compliance as a faculty member of the workshop series, "Higher Education Access for Handicapped Students and Employees," conducted by the College and University Personnel Association as part of project HEATH. He was a member of the NACUBO Task Force on Issues and Answers in Section 504 Compliance on Higher Education, and is the author of Campus Services: A Variety of Alternatives, in Assuring Access for the Handicapped.

Dr. Neal M. Hoffman is Assistant to the President at State University of New York's Upstate Medical Center in Syracuse, New York. Prior to that he was a Regional Director of the New York State Division of Human Rights for over 10 years. He teaches part time at Onondaga Community College and is Coordinator of 504 Activities at the Medical Center.

Dr. Guy C. McCombs, III, is the Director of the AAUP Project on Faculty Involvement with Section 504. He has had extensive experience in higher education administration and corporate management. He was involved in developing Higher Education Compliance Guidelines for Section 504 and has developed and conducted numerous activities dealing with Civil Rights Compliance.

Dr. Philip S. Jastram is Professor of Physics at Ohio State University. His principal field of research is nuclear structure. He was a member of the NACUBO Task Force on anticipating issues and developing guidelines on implementing Section 504 in higher education, and is the author of The Faculty Role: New Responsibilities for Programs Access in Assuring Access for the Handicapped. Professor Jastram is the developer of the faculty involvement project for compliance with Section 504, and serves as project supervisor.

Contents

1. Objectives and Expectations 1
P.S. Jastram

2. Attitudes and Behaviors 9
G.C. McCombs

3. The Spirit and Philosophy of Academic Accommodation . . 15
A.H. DeGraff

4. Pre-Admission Inquiry 21
P.S. Jastram

5. Three Scenarios 23
N.M. Hoffman, R.L. Carothers, and G.C. McCombs

6. Accommodation Background 37
A.H.DeGraff

7. Learning Disabilities 49
P.S. Jastram

8. Section 504 - The Davis Case: Where Do We Go From Here? 51
N.M. Hoffman

9. Section 504 and Faculty Accommodation: "How To" Strategies 57
R.L. Carothers

10. Four Problems, and Models for On-Campus Workshops . . . 63
R.L. Carothers

11. Procedures and Strategies for Developing Program Access and Involving Faculty on the Campus 71
P.S. Jastram and R.L. Carothers

Introduction

In the course of participating in the December, 1978 meeting of the NACUBO Task Force on problems and guidelines for achieving compliance with Section 504 of the Rehabilitation Act of 1973, it became clear that while substantial efforts had been made to acquaint and involve college and university administrators with access requirements, issues and problems, corresponding involvement of faculty members had not taken place. During 1979 and 1980, with funds provided by OCR/HEW, the American Association of University Professors designed, planned, and carried out five regional workshop-conferences in Section 504 compliance, for college and university faculty members. The focus was primarily on program access for handicapped students; on attitudinal rather than physical barriers; and on methods of accommodating teaching and examination techniques to the needs of handicapped students. The legal obligations were carefully reviewed; however, the main emphasis was on the kind of responses to special needs that would meet the spirit and intent as well as the letter of the law. The immediate object of the workshops was to establish a core group of faculty members who would be able and willing to act as reference persons and leaders on their own campuses and in their regions, to advise colleagues on 504 compliance problems, and to organize and conduct workshops, and otherwise act as sources of information.

This report contains the essentials of the presentations made at these workshops. These presentations formed the basic framework of information and ideas to which the participants responded--with searching and critical questions and comments, and ideas of their own.

P.S.J.
December, 1980

Chapter 1

Objectives and Expectations

P. S. Jastram

Access is not only the law, it is right; and it will become a reality in our colleges and universities if we--the faculty--are determined to make it so.

The law and two of the implementing Federal regulations set forth our goal and our challenge in simple, direct language. Section 504 of the Rehabilitation Act of 1973 states

> No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Two regulations that bear directly on right of access are as follows:

> A recipient shall operate each program or activity so that, when viewed in its entirety, it is readily available to handicapped persons.

> A recipient may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its educational program or activity.

"Recipient" means a college, university, or other institution that receives Federal funds. Such funds may take the form of Federal support for research, or of fees paid by students from Basic Education Opportunity Grants, Supplemental Education Opportunity Grants, or even Federally guaranteed student loans.

If we are to be true to our heritage of freedom of opportunity in American higher education, we must regard the law and the attendant regulations as a bare minimum. Our task is not to find the cheapest and easiest way to comply with the letter of the law, but to find effective, imaginative ways to make its object--access--a practical, working reality.

Why us? Why faculty? Isn't it enough for our boards of trustees, our institutional presidents and other administrative officers to know what is required, and inform their faculties of these requirements through normal channels? It's not that easy. A broad range of faculty functions and activities, individual and collective, impinges directly on access for handicapped students:

--Setting education policy, degree requirements, and major programs;

--Designing courses and determination of level, subject matter, forms of student participation, and standards of acceptable performance;

--Teaching and evaluating; setting and administering examinations; assigning grades.

Every one of these activities is a unique faculty responsibility. And every one of them may involve accommodation to the special problems of a handicapped student. It is not enough to know that our institution is obliged to make the accommodation--faculty members are the only ones who can in fact do it, and we must bring to bear on the problem not only our own educational expertise, but a sense of what accommodations are appropriate and properly responsive to a given individual.

Is there really a problem? Is some sort of special effort really necessary? Isn't access after all a matter of ramps, elevators, braille markings, interpreters, tape recordings, etc.? And beyond this, isn't a handicapped student essentially just another student, with individual strengths and weaknesses?

Daniel Finnegan, of the Lawrence Hall of Science, University of California at Berkeley, has this to say in a research report dated September, 1979, entitled Disabling the Disabled--Discrimination in Higher Education:

> ...Steadily increasing numbers of handicapped students will go on to post-secondary institutions. In order to ascertain what they will experience at college, my colleagues and I at the Lawrence Hall of Science conducted a survey of faculty in California colleges and universities.
>
> We sampled 775 faculty members from twenty different departments in each of seventeen universities. 405 faculty members answered our questionnaire, for a response rate of 52%.
>
> The area of primary concern was what actions were being taken by universities to bring them into compliance with 504.
>
> Findings: all the universities in our sample were massively out of compliance with the law. Fifty percent of the sampled academic departments reported illegal and discriminatory policies, and 54% of individual faculty members reported at least one illegal personal policy regarding the disabled.
>
> [One of the] implementing regulations of 504 mandates that recipients of Federal monies (including

universities) evaluate their policies concerning the disabled. Further, it required that policies not in compliance with the regulations be modified by April 27, 1978.

We found no evidence that the universities in our sample had taken any active steps to fulfill these obligations.

Our experience and information to date suggest that as applied to colleges and universities generally in the nation, this judgment would be overly harsh. Many institutions have for some time been working to improve physical access to their facilities. In addition, many institutions across the country have sent administrative officers to one of the series of workshops on Section 504 compliance conducted by the College and University Personnel Association. Many colleges and universities have established an office specifically for dealing with the problems of handicapped persons. The most serious oversight in implementing compliance is failure to involve faculty members in a systematic manner.

The present program focusses on program access: to make our educational programs available to students who have some identifiable physical or mental disability that makes it difficult or impossible to perform educational or training tasks in a conventional manner--even though otherwise qualified.

At the outset, we recognize a language problem: there is no general agreement on what term to use to describe collectively the group of people we are discussing. Common terms, with different legal and attitudinal implications, are "disability," "handicap," and "impairment." To these we might add "irritation," and "nuisance," to conform more closely to a given individual's own self-evaluation. Matters are even worse when it comes to describing the opposite condition: do we call such a person "normal; unimpaired; able-bodied; or non-handicapped" (or possibly "scratch," the opposite of starting with a handicap)? We shall ignore these semantic problems, with their regional differences, and use the various terms interchangeably.

It may be of interest to note how the Federal regulations define a handicapped person: "Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." Item (iii) specifically covers those situations in which the recipient or others treat the individual as handicapped, whether or not in fact the perceived handicap, as defined in (i), exists.

Issues

Following are some of the issues and questions we shall be addressing during the conference. These are by no means

exhaustive, and others will certainly be identified during discussion:

1. Admission to a school or program - To what degree, if any, may an institution base exclusion from an academic program on handicap? Section 504 and the regulations appear to say "practically not at all," but the U.S. Supreme Court in Davis vs. Southeastern Community College upheld denial of admission to a nursing training program on grounds directly related to the (otherwise manifestly qualified) applicant's deafness. Do we concede that a school or program may deny admission to a person whose handicap may limit or prevent performing one or more specific functions which the program is designed to train the student to carry out? Is the practice by certain professions of using a professional school degree as a form of certification to practice resulting in a discriminatory barrier to access to educational and training programs? Should there be the equivalent of bar examinations for admission to practice in other professions, such as medicine and nursing?

2. General access - What general provisions should an institution make in anticipation of the needs of handicapped students who may be expected to enroll: ramps, elevators, braille or other tactile markings, tape-recorded texts and reference works, library facilities accessible to blind, deaf, dyslexic and mobility impaired students, etc.?

3. Accommodation - Accommodation is the specific set of measures taken to provide access for a particular handicapped individual. What must the institution provide, and what are the student's responsibilities? If the student needs a tape recording of the text book, or readers, or interpreters, or personal aids, who is responsible for providing them? To what degree is the faculty member legally or morally obligated to adapt teaching methods, class participation, and examination procedures to the special needs or limitations of a handicapped student? The NACUBO Task Force that studied Section 504 compliance problems and recommended guidelines for institutions of higher education strongly held that

> Accommodation is a shared responsibility. The handicapped student has an obligation to provide reasonable self-help.

How do you determine what is reasonable to expect of the handicapped student? Remember that the student must participate "in the most integrated setting appropriate to the person's needs," and that accommodation does not mean lowering standards; on the contrary, it means finding a way for the handicapped student to meet the same standards required of everyone else.

While our main attention is focussed on the student's disabilities, and the measures needed to provide access in spite of them, we should also be aware that in the affected individual

there are likely also to be found some exceptional strengths. In the past the handicapped students who have made it to and through college were likely to be exceptionally strong in academic ability, perseverence, in the ability to focus efficiently on their work, and in strongly developed inner resources of self-reliance and motivation. We must expect that one of the effects of Section 504 and the expectations it has raised is that the handicapped students who will come to us in the future will include many more of average academic capability.

An example may serve to illustrate some of the subtleties to be encountered in providing "mainstream" access, in an integrated setting:

> We are all familiar with the "battlefield model" of the classroom: the friendly students (who like the way the instructor does things, are attentive, and usually earn "A's") sit front and center. The neutrals and skeptics, further back and to the side; and the hostiles at the back of the room or off at the extreme sides. If the chairs are not bolted to the floor, a student in a wheel chair can choose essentially any location he or she likes, in accordance with identification with one of the above groups. But if the chairs are bolted down, or if there are fixed rows of benches, the center part of the class will not be accessible to a wheel chair, and the student, whatever his or her preference may be, will be necessarily placed either in back or side "hostile" territory or right in front, depending on where physical space happens to be available.

4. <u>Attitudinal problems: faculty response to the handicapped student</u> - Handicapped students encounter an unbelievably wide range of attitudes and responses from faculty members--from relaxed cordiality and friendliness on the one hand to skepticism, fear, resentment, and hostility on the other. Handicaps may be roughly divided into two types--<u>obvious</u> and <u>hidden</u>. The obvious handicap--such as substantial mobility, speech, hearing, or visual impairment--is likely to produce a set of responses which may vary from oversolicitousness through embarrassment to hostility, but is not likely to include skepticism or disbelief. In contrast, the hidden handicap, such as dyslexia or other learning disabilities, is likely to evoke just such skepticism and disbelief. The hardest task such a person may have is the continual effort to persuade other people--and faculty members in particular--that a genuine disability exists. In some cases, the person does not even know what the problem is. A learning disability can present a formidable barrier, and the first step toward achieving access may be accurate diagnosis, followed by carefully designed accommodation procedures. On every campus there are likely to be some faculty members who find it difficult or impossible to make flexible accommodations to special situations. Insofar as feasible, it may be constructive and prudent to regard these as

access barriers to be avoided, in the process of advising a handicapped student on his or her course program.

5. Individuality - It is vitally important to remember that we are dealing, not with an abstract group of "handicapped people," but with people who have handicaps. Two students with what appear to be similar disabilities may be in very different situations. In one case, for example, the disability may be of long standing; in the other, the injury or illness may have been recent, and the student may be still in the process of generally learning to cope with the impairment. A course schedule that the first can readily deal with may swamp the second. An entirely different problem is posed by the student whose disability is caused by a current, ongoing degenerative disease or syndrome. In such cases, accommodation must be dove-tailed with ongoing medical treatment.

6. Disputes - Sooner or later a dispute will occur between a faculty member and a handicapped student. It is preferable to have competent and effective machinery in place to provide an informed, fair, and judicious resolution, rather than to have a complaint filed with an outside agency or to have the institution become a defendant in a law suit.

It is not likely to be to the advantage of a college or university to have decisions concerning its internal functions, such as instruction methods, conduct of examinations, grading, and academic standards decided by outsiders unfamiliar with the values and essential process of higher education. The best way to keep uninformed but legally constituted authority from interfering in the internal affairs of academe is informed, responsive acceptance and implementation of the obligations that the law requires.

Goals

Specific goals of the workshop-conference are

1. To describe the program access problem, both in general terms and with specific examples,

2. To review the law, the Federal regulations, the NACUBO Task Force compliance guidelines, and the relevant court decisions,

3. To increase awareness of problems of handicapped people,

4. To provide the basic tools needed to become an authoritative and informed resource person on Section 504 compliance,

5. To provide practice in dealing with a few specific access and accommodation problems,

6. To provide access to the national network of specialists, agencies, and sources of information in this field, and to faculty colleagues who have become involved in access problems.

Expectations

We ask each participant in these workshops to be willing to serve as a faculty resource person on his or her own campus, and to recruit colleagues to do likewise; to take the lead in providing counsel and information to fellow faculty members and staff; and to organize and conduct workshops and conferences on Section 504 compliance in the home region.

Chapter 2

Attitudes and Behaviors

Guy C. McCombs, III

ABSTRACT

The nation knows that Civil Rights Legislation mandates that we do not discriminate against persons with handicapping conditions. However, the problem that remains is that there is not an understanding of (1) the contributing behaviors associated with discriminating actions, (2) the history of myths about handicapped persons, (3) the need for awareness on the needs of the handicapped person and (4) the right to pass or fail given appropriate and responsive behavior on the part of the faculty person.

The various Civil Rights mandates adopted by the Federal government have called for an end to discrimination. Section 504 does not differ essentially from Title VI, Title IX, etc. The issue today is that despite legislative requirements the attitudes of the non-handicapped group do not automatically change with the enactment of Federal regulations.

Generally, it can be assumed that most persons involved in educating students will exhibit concern and attention to those students who are handicapped. However, the problem that seems to arise is that non-handicapped faculty persons are likely to have preconceived notions about the degree of limitation associated with a disability.

Among faculty members, three typical behaviors can be associated with the preconceived notions:

- Projection
- Hostility
- Unnecessary compromise

Projection comes in the form of the faculty person seeing himself or herself in the same position as the handicapped student. Conversations with persons who will readily admit to this syndrome suggest that they feel uncomfortable with the thought of possibly being handicapped and this in turn sometimes seems to interfere with their ability to deal rationally with the real needs of students who are disabled.

Unnecessary compromise comes in the form of the faculty members overcompensating for the perceived handicap of the student. Problems will come about when an instructor waives an exam or reduces the course reponsibility for the student with a disability. The faculty person's intent is to help the

handicapped student when in fact the result is a denial of constructive and strengthening educational experience.

There have been a number of cases documented where faculty members have flatly stated that they did not want handicapped students in their classes. Hostility often appears to stem from the instructor's feeling ill-equipped to effectively teach a handicapped student and unreasonably burdened with the responsibility of having to, by law.

Thus, our common concern here is, how we can effect a change in the negative responses of the unaware faculty member.

HISTORICAL OVERVIEW

Historically, myths about handicapped persons are not confined to the twentieth century. Early cultures segregated handicapped individuals or even abandoned them, leaving them to fend for themselves.

In the Middle Ages handicapped persons were seen as demons whose souls were possessed by the devil. Those who chose the route of Christianity housed, clothed, segregated, yet kept the handicapped person away from the mainstream of society.

The educational approach used in more recent times has been via Special Education. The concept of Special Education afforded the handicapped child an opportunity to take an active part in the educational system. However, this special education was often provided in separate classrooms, separate programs, separate buildings, and separate schools. In other words, handicapped children were still isolated and kept apart from non-handicapped children.

The most recent legislation reflects the views of those who have for some time been questioning the Special Education approach. Once again, Section 504 is a Civil Rights mandate. However, mandates do not automatically alleviate the attitudinal barriers. Given the fact that a law had to be enacted to stimulate non-discriminatory practices, we can assume that there still exists a lingering pattern of non-acceptance of handicapped individuals today, three years after Section 504 was put into effect.

Throughout its history, the United States has been dominated by a work-ethic, in which a sharp class distinction is made between those who "produce" and support the rest, and those who must depend on the fruits of that production. During most of this history, first dominated by farming and later by industry, society was by and large unable to find ways in which substantially handicapped people could be usefully employed. Like the elderly and young children, they belonged to the group "to be taken care of." They were not expected to "pull their weight." It must be kept in mind that throughout most of this

period, the variety of jobs in the country was far more limited than it is today. "Reality" in fact often consisted of the hard fact that there were no significant jobs in a given town that a handicapped person could perform. A habit of mind understandably developed that handicapped persons were not expected to compete on equal terms with the able-bodied majority. The educational system faithfully mirrored the attitudes and values of the society it served.

Modern technology has changed all this, producing an explosively expanded range and variety of significant jobs, as well as a proliferation of means of diminishing the disabling effects of an impairment. The range and degree of severity of impairment that an individual may have and still compete successfully in employment which society deems useful and worthy of respect has expanded tremendously over the last few decades. Neither our society in general nor our educational system has adjusted fully to this change.

It will not be easy for the society or its institutions to move away from past beliefs and practices. If the ongoing belief is the "survival of the fittest," that success is tooled from this notion and when people are disabled they are not among the fit, it can readily be seen that the struggle for access to equality for qualified handicapped persons has only just begun.

We only need to look at the incomplete effectiveness of previous Civil Rights legislation (e.g. Title VI, Title IX) to know that there is still a need for more personal awareness of what constitutes one's civil rights. The efforts to provide opportunity and equality for minorities and women has not yet come to fruition.

Section 504 of the Rehabilitation Act of 1973 is one of several laws that have at least begun through legislation to move the society toward equal rights for all handicapped citizens. These include:

- 1978 Amendments to the Rehabilitation Act which, among other provisions, allow for the awarding of grants to train interpreters for deaf persons and provide reader services for blind persons;
- Education for Handicapped Children Act of 1975 and Vocational Education Act Amendments of 1976 which both require equal educational opportunity for disabled persons; and
- Recent laws such as those providing for part-time employment and flexible work schedules.

Once awareness becomes a reality we may expect that counterproductive attitudes and behavior toward handicapped people will change. At the onset it was mentioned that historically the problem of lack of awareness can be tied to the

non-handicapped person having culturally indoctrinated or preconceived notions about the abilities or lack of abilities of the handicapped student, coupled with the same individual's direct adverse response to a handicap.

As a rule, faculty members interested in assisting in the implementation of 504 are not usually equipped to take on the extra responsibility of dealing with root causes of their colleagues' emotional problems in working with handicapped students. The concerned faculty member can nevertheless assist his or her colleague in recognizing that negative behavior directed toward the handicapped student can impair the student's attempts at achieving his or her educational goals. It is to everyone's advantage to erase those negative attitudes and behaviors to the degree possible. The disabled-person minority group is not exclusive--aging, an accident, etc. can bring anyone into its ranks. One never knows if or when he or she may join those ranks.

It cannot be assumed in advance that a handicapped student will be unable to perform on a competitive level with the non-handicapped student. If every accommodation and/or modification is made and the qualified handicapped student fails, that student has only been given the same opportunity as the non-handicapped counterpart--the right to fail.

I'd like to tell a story at today's workshop about a very smug period in my life when I was brought down to size. It was a real situation which occurred a number of years ago and which can serve as an example of how we predetermine the functional limitations of a handicapped person. I was in the role of a college administrator; as the Director of Special Programs in a small college in Pennsylvania. We were issued a mandate by the Governor of the Commonwealth to put together what was coined the "Wheelchair Campus Program of Western Pennsylvania." It was at that time a rather unique idea (a little before 504 although we realized that 504 was coming). At that time we were allowed to screen students, and my first student was a gentleman by the name of Joe. Joe had cerebral palsy. At that time I would have added that he also had a problem speaking. Additionally he was wheelchair bound and very spastic. The sight of this man unnerved me a little coming in, but I was very poised. I told myself I could handle CP...right? At the time I was working with all kinds of students (disadvantaged, elderly, minority, etc.). Joe came in and interviewed very well (according to all my preconceived standards) and I thought he should be in the program. I even got to feel I could understand him after awhile (his speech patterns weren't so awfully bad). After the interview was over, Joe asked me, would I escort him to the bathroom? I said, sure I'll help you (predetermined also). As we approached the bathroom, I got very anxious. I said to myself maybe this guy wants me to empty his leg bag...I've never done anything like that before...I'm not a nurse...My God, what is he going to expect of me? I was really petrified, really, really, petrified. We got into the bathroom and Joe, dressed in his

three piece suit, threw himself on the floor and crawled into the latrine. He used the bathroom by himself.

We laughed about that event a lot afterwards because he had taught me two lessons on purpose. (1) I thought that I was going to have to do something to help him that I didn't necessarily have to do. I could have very easily just asked him if he needed help, and (2) I was shocked by Joe going on the floor and crawling. But he did it his way and got it done. And, that's the problem with predetermining. We are not aware that sometimes we don't accept the way that it is done because we predetermine how it should be done (in our minds). I feel this was an excellent experience for me and it taught me a lot about myself. I went on to be able to cope with a variety of experiences with handicapped persons and I have since emptied a leg bag...when I was asked to.

The point I'm making is that we must explore as many strategies as are availalbe for disseminating information for sharing awareness with our colleagues. The results may set up the possibility of behavior response changes and maybe with those behavior reponse changes there can be eventual attitudinal changes.

Attitudes toward disabilities cannot be changed in isolation. The most effective way to combat myths and break down the cycle of prejudice and stereotyping is to increase the contact and interaction between the handicapped and the non-handicapped. The end product can be rewarding for both.

Concerned university and college faculty must find, cultivate and aid in activating mechanisms for reinforcing the premises of Section 504. The first efforts may be to present examples of success. There are countless examples of handicapped persons who have become productive and successful subsequent to college. At some point in the lives of those successful handicapped persons there were those who did not believe they could overcome their disability. Likewise at some point in their lives there too was someone who believed they could succeed, and could negotiate college. People who do not believe by nature need to be shown. Secondly, if a positive change in the behaviors of the non-believing faculty members is to be successfully accomplished, specific existing institutional support mechanisms can be employed in a way that they are directly aligned with the handicapped student's time schedule, attendant schedules, physical factors, transportation factors, etc. Within most institutions there are a variety of student support facilities (e.g. counseling centers, tutorial services, basic skills programs, reading center and disabled student services when available...) which can be used to support the unique requirements of the handicapped student with some adaptation.

By pointing out to faculty and staff that (1) there have been many instances where handicapped persons have been

successful in higher education and (2) working together with the faculty, departments, schools and colleges and existing support mechanisms the burden of responsibility of program access is shared and not placed solely on the shoulders of any faculty person.

Although the laws require that architectural, employment, and educational program access barriers be removed, their enforcement is fundamentally tied to the removal of attitudinal barriers. The mandate does not change an attitude, but by focusing on the problem of attitude awareness the result can at least be appropriate responsive behavior.

Chapter 3

The Spirit and Philosophy of Academic Accommodation

A. H. DeGraff

ABSTRACT

When approached by a student with some type of handicap, some college faculty have historically offered to waive a course, give passing grades for inferior work, or suggest the student transfer to another course section taught by someone else!

In contrast, today's philosophy is one of academic and overall campus accommodation. This providing of "enabling accommodations" which bridge one's particular functional limitations is done within already existing facilities, not separate, segregated, special ones created just for the disabled. This is mainstreaming, which makes sense sociologically and economically.

Academic accommodation is a team effort with dual responsibilities for both faculty and students. Understanding primary elements of those respective roles is very helpful to the process.

The incentive to providing accommodations is not merely legislative, but much more importantly, ethical.

You're a chemistry professor, and you're approached onthe first day of class lab by a blind student, a quadriplegic in a motorized wheelchair who has little or no manual dexterity, or a deaf student.

Historically, your first idea might have been to offer to waive the lab course or to recommend one of those freshman core alternatives which require no lab sessions--when I was an undergraduate they called one of these "Chemistry for Poets!" But we're not speaking historically of those barriers of traditional thinking, we're speaking of today's spirit of academic accommodation. This academic accommodation usually involves little or no cost to the college in its nonstructural nature; it means none of the need for academic collaboration where it wouldn't be allowed for other students doing the same assignments; it means no breach of the high safety standards necessary in any lab situation; contrary to fears currently circulating from myths of the Davis Supreme Court Case, it means no necessary lowering of long-established academic standards; but perhaps most importantly it <u>does</u> mean the same full set of "normal" academic benefits expected by any of those lab students paying the same tuition dollar. After all, like any other student signing up for that lab, the handicapped individual might not want to take the course merely to satisfy freshman

requirements, but as part of training toward a brilliant career in science.

A later chapter will address the "how to's" of making these accommodations within every one of these no-compromise criteria, but for the objectives of our immediate topic of the spirit of accommodation we've well set the stage with our lab scenerio. How should we, as academic faculty, regard handicapped students? How do students with impairments want to be "treated?" How is the frequently used term "accessibility" defined with regard to academic concerns? What is the two-fold role of professional faculty in providing academic access, and what in return is our two-fold expectation from the disabled student? What is "academic mainstreaming," and is the concept really feasible? And finally, how does the campus coordinator of support services to the handicapped figure into all of this?

Regardless of our everyday phraseology, if we look upon these students as "individuals with handicaps" instead of "handicapped individuals" we have a good beginning viewpoint. These students qualified for admission to the college where that lab is being held by first being thrown into the same academic hopper as every other applicant, hopefully unidentified as to handicapped status. As academically qualified cream they rose to the top with others getting admissions acceptances. They have qualified minds, but an impaired part of their bodies, just as nearly one in five Americans do today. They have impaired bodies, much as others in that lab have Catholic or Jewish bodies, black or white bodies, or Italian or Oriental bodies--no one really cares, because the ability to learn chemistry is the essential qualification.

What is our overall philosophy here; how maternalistic or patronizing should we be? Do the handicapped want special privileges? If we ask disabled people how they want to be "treated," they will problably respond by saying, "Like anyone else, as long as we have the same access to facilities as everyone else." This "same access," "same chance," or "opportunity to choose" is basically "availability," our synonym for the frequently used term "accessibility." Access is provided in two primary ways: structurally, through special equipment and architectural modifications (or better yet, initially at the construction stage) and nonstructurally through common-sense policies, programs, and practices. So "accessibility" doesn't automatically mean costly structural provisions. Indeed, the vast majority of access provisions are of the little or no cost, nonstructural variety which we, as faculty, can provide every day.

"Like anyone else, as long as I have the same access to facilities as everyone else," or as Andrea Schein of the University of Massachusetts at Boston puts it, "We're here <u>not</u> to give the handicapped student, staff or faculty member a competitive <u>edge</u>, but merely to eliminate competitive limitations." For example, if the student with a slower writing

speed--for whatever reason of impairment--asks a professor for extra time to complete an exam, chances are very good that the reason is not to get an unfair edge on other students taking the same exam, but simply to have the same chance to show course proficiency as everyone else already has.

If, as faculty, we "treat" the impaired student like anyone else, we have a two-fold role: our intention to make accommodations is delivered in official and operative terms and, as for any other students, we then rely heavily on the student's reponsibility for self-help for approach from the individual with a concern. With regard to the first part, we make a simple announcement of our willingness and commitment to make any needed accommodations on the first day of class, followed by operative ways for the student to take advantage of the offer. "I would like everyone here to know that I'm willing to make any necessary accommodations for limitations due to either a temporary or permanent handicap. Please feel free to see me now or at any time during the year after class or during my posted hours at my office in room 521." The faculty is then available to be approached at the individual's initiative, just as for any kind of student concern.

For academic accommodation to work, the faculty member and student must work as a team. The responsibility isn't only upon the professor. We can have a two-fold expectation role of the student. He or she has the right to access from both ethical and legislative standpoints, but also the responsibility to decide whether and when to take advantage of that access. You wouldn't be treating any other student maturely if you tried to coerce him or her into doing what <u>you</u> thought was right for them. The same is true for any special concerns of the handicapped student. The college cannot be held responsible for accommodating to what it knows nothing about.

Federal legislation, as well as our ethical concern for equal academic opportunity tells us that the student with a disability should be taught in the most integrated setting possible. For most of us in a college or university setting, this means the goal of mainstreaming. What is mainstreaming and why is it so important?

In simple terms, mainstreaming at a campus consists of making available to the handicapped the common academic, cultural, and recreational facilities already used by everyone else. The alternative is a segregated program just for those with impairments. Mainstreamig has us providing "enabling accommodations" within already existing facilities so their use is also open to the choice of the handicapped. This is smart sociologically and economically. Sociologically, mainstreaming provides all the usual benefits of integrating any group of individuals with the rest of society. In this case, the handicapped are living "able-bodied" lives, exposed to and contributing to a full range of life activities. The

nonhandicapped colleague, in turn, also gains valuable insights in this association. Economically, mainstreaming saves the campus and individual department the expense of duplicating already existing programs with separate, specially staffed, segregated ones.

We might wonder why the faculty member in particular should be concerned with delivering accommodations. After all, isn't that the job of the disabled-student services coordinator? No, not entirely. Mainstreaming is a truly university-wide, team effort. No valid concern or cause of any kind has ever succeeded on a campus if it became the objective of just one individual or department. Mainstreaming students, staff, and faculty with disabilities into the choices of a full campus life is no different.

I think that a good disabled-student service, whether the part-time effort of one staff member or the full-time job of a specially staffed department, acts as an innovator, planner, promoter, and troubleshooter, but moreover a coordinator/facilitator of the campus-wide effort. One might notice that we speak of the service acting as an innovator (inter alia) and not the innovator. No one has a monopoly on how to make accommodations; we all must brainstorm collectively at our own campus, and with outside campuses and sevice agencies.

In summary, academic, cultural, and recreational accommodations have been the active practice of a number of institutions and their individual faculty members for many years, long before federal legislation known today. The vast majority of campus accessiblity measures are nonstructural in nature, costing between very little and nothing, and are usually the result of a common-sense look at bridging functional limitations with enabling accommodations.

The author of this chapter has been dependent upon motorized wheelchair mobility for a period beginning directly between high school graduation and postsecondary years. Having attended three campuses in different sections of the country for very active undergraduate and graduate studies, I took full part in the mainstream of campus life--any separate program wouldn't have been of much interest to me. My participation in such a campus life became possible by brainstorming with fellow students and innovative faculty and staff, long before any legislation came about.

At first as a chemistry major at an Upstate New York community college, I heard an open-minded professor address our first-day lab class. "One of our colleagues will be taking this lab in a wheelchair. He has indicated to me that because of his particular degree of lack of manual dexterity, he doesn't expect to be personally handling caustic chemicals. We don't have the funding to hire a special lab assistant and you all have to do the required experiments anyway. Who wouldn't mind having this fellow observe while performing the assignments; from that point

you both would be on your own to pass or fail." Four or five hands shot up. I got an "A" that semester!

Completing my undergraduate degree at a Midwestern university, I was vice president and then president at my dorm while a resident assistant. I was required to represent my dorm at weekly student council meetings, held initially at a very inaccessible "Delta House." My fellow students got together, found an accessible meeting place, and relocated their meetings at no expense for architectural modification.

At this same university, I was an FCC-licensed AM/FM broadcaster. I was assigned sole writing and broadcasting responsibility for about 6 FM newscasts each week. The one thing I couldn't do was reach the AP and UPI teletype copy feeding from the machines. The newsroom was always a well-populated place and getting that precious, updated copy did not become a costly architectural matter. The common-sense approach told me that at the "cost" of a friendly request to a fellow newscaster, I could get the latest update whenever I needed it. Common-sense, no-cost access methods here also fostered some friendships still going strong.

The consequent message to us as faculty and administrators is that campus accommodation has been long practiced, it's feasible, and it works.

Preadmission Inquiry

P.S. Jastram

With certain specific exceptions, the Federal regulations forbid any preadmission inquiry concerning handicap:

> Except as provided in paragraph (c) of this section, a recipient may not make preadmission inquiry as to whether an applicant for admission is a handicapped person, but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.
>
> (c) Preadmission inquiry exception.
>
> When a recipient is taking remedial action to correct the effects of past discrimination...or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally-assisted program or activity by qualified handicapped persons, the recipient may invite applicants for admission to indicate to what extent they are handicapped, provided that:
>
> (1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and
>
> (2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

The obvious purpose of the ban on preadmission inquiry is to prevent even unconscious discrimination on the basis of handicap in the admission decision. The resulting dilemma is that successful accommodation to an entering student's handicap must often respond to the individual's specific impairment, and may require several weeks or months of advance preparation. Post-admission inquiry is permitted on a confidential basis.

Resolution of the apparent procedural conflict may be accomplished in a number of ways, depending on the institution's admission situation: for colleges and universities that complete

no problem. The institution sends the admitted applicant a request that the student advise the appropriate office of any handicap that may require accommodation. This notice must carry the statement that any such information will be held in confidence.

Many colleges have flexible admissions procedures that permit a student to apply or, having been admitted, to give notice of intent to enroll, until the start of the term. In such cases, adequate lead time for accommodation may require that the general brochure of information provided to all applicants include a statement of the institution's access policies, the name, address, and telephone number of the office or individual who has responsibility for assisting with accommodation problems, and a general invitation for any applicant with a handicap that may require accommodation measures to get in touch with that office or person. Assurance must be included that any such information will be kept in confidence; that it will not be shared with any one involved in the admission process; and that supplying it is purely voluntary and will have no adverse consequences. The form, if any, on which the applicant is invited (not requested) to respond should carry the name and address of the person or office responsible for making accommodations, and <u>not</u> the admissions office or committee.

Some institutions have established formal remedial or voluntary action programs as described in the Federal regulations. In such cases, preadmission inquiry concerning handicaps may be made as described in (1) and (2) under Paragraph (c). However, "remedial action" is limited to those recipient institutions (if any) that have been found by the Director of the Office for Civil Rights to have discriminated on the basis of handicap. And in many cases, legal counsel to the institution will advise against establishment of a "voluntary action" program on the grounds that it is unwise or undesirable to act in a way that might be interpreted as an admission that past performance has been in any way inadequate.

In summary, what is proposed here is that where necessary to provide enough lead-time to make individual accommodations and where the admissions procedures are likely to leave insufficient time or opportunity after admission, the institution should provide in its general information to applicants information about its access and accommodation policies and procedures, give the names, address and telephone number of those in charge, and invite communication, specifying the conditions of Paragraph (c) (2) above.

Chapter 5

Three Scenarios
By the Handicap Articulation Masters

Messrs. Hoffman, Carothers and McCombs will now present three brief role-plays that deal with different types of situations that are likely to occur in higher education. Following each scenario, we should like to invite your comments on the essential nature of the problem that is being illustrated. The scenarios are self-explanatory, and are presented with minimal introduction.

Scenario I

Two faculty members, Hoffman and McCombs, are talking in Hoffman's office. They are expecting Student Carothers.

HOFFMAN: Guy? I've got a problem.

McCOMBS: What's that?

HOFFMAN: Aside from the things that I called you about there's something that just came up this week and I'll tell you, I don't know how to handle the darn thing. I've got a student who has given me a problem that I never heard of. You know something about learning disabilities?

McCOMBS: I read an article recently about it.

HOFFMAN: Is there such a thing?

McCOMBS: Yeah. It's pretty prevalent.

HOFFMAN: This guy came up to me after class and said he just couldn't handle some of the stuff that we were doing in the form of tests or note taking or whatever. I don't even know what he wants. But, he said that he's got some kind of learning disability. I don't even know what it means. I was wondering if he was putting me on or is just plain stupid.

McCOMBS: The article referred to it as a hidden disability.

HOFFMAN: Well, it sure is hidden because he participates in class all right. I mean he seems pretty bright and then when it comes to a test, whap! boom! right down. He can't do anything. And, I don't know, you know I know people who can't take tests. They succumb to pressure and everything else. I don't know if this guy's putting me on or not. He wants special times to take the tests. He wants a special kind of test. As I said, I don't even know what he wants but I've got an appointment for him to come in to see me. And, I don't know how to handle this.

McCOMBS: Well, we've got a couple of ways. It's a pretty hot item. You heard of this 504?

HOFFMAN: Yeah, something to do with the handicapped.

McCOMBS: The Dean sent a notice around, a couple of weeks ago about what we've got to comply with by next month.

HOFFMAN : Yeah, I don't know what you have to comply with but we have to comply.

(There's a knock at the door)

HOFFMAN: Come in.

McCOMBS: Is this the student?

HOFFMAN: Yeah.

STUDENT: Hey, Dr. Hoffman.

HOFFMAN: Hello Bob. How are you?

STUDENT: Good, how are you?

HOFFMAN: Sit down. Bob this is Dr. McCombs, uh, Bob Carothers.

STUDENT: Hi.

HOFFMAN: Dr. McCombs is a colleague of mine, on the faculty. And I asked him to sit in while we were discussing this problem that you were telling me about. I figured maybe he could give me a hand in helping with the situation. Why don't you start from scratch, let us know what's up.

STUDENT: Well, like I was telling Dr. Hoffman, I have trouble taking tests. I can't process information very well. What that means is that I read it, I understand it, but it takes me a lot longer just to do anything with it or say anything about it. You know what I mean?

HOFFMAN: Yeah, well I saw that. I know that, but why?

STUDENT: I don't know but for a long time people thought I was just dumb but I'm not. Whenever I can get enough time to take a test I can do very well with it.

HOFFMAN: Yeah, but you do all right with your answers in class. And, you know, gees, whenever I ask questions, some of the hardest questions, you're right up there with them, Bob.

STUDENT: Yeah, I know, but it's just the reading and the writing that I have difficulty with. I don't have any trouble expressing myself, you know. I can talk to you and everything in your class. I like to talk in class, you know I do.

HOFFMAN: Oh yeah.

STUDENT: To answer the questions and that, but...

HOFFMAN: Yeah.

STUDENT: Sometimes I just can't, you know it's when I see stuff on the test it takes me a long time to think about it and concentrate and organize the material so that I can write it.

HOFFMAN: Well, I wonder do you really think you belong in a situation where you have to read so much and everything?

STUDENT: Yes sir. It's not that I can't, it's just that it takes me longer than other people. And I've been to doctors about this, and I've been over to the Campus Center and I talked to that psychologist, and I was over to the Speech and Hearing Department and talked to them and they gave tests. And I can have them call you and they'll tell you that I have a learning disability.

HOFFMAN: Oh, I'm not saying that you're not telling the truth, Bob.

McCOMBS: Can I just ask him this question?

HOFFMAN: Yeah.

McCOMBS: Son, have you ever been tested for this?

STUDENT: Yes, yes.

McCOMBS: I mean, is there some way you can validate that you have this? In this article that I read, they say that there are methods of validating it.

STUDENT: Yes, yes sir. You can call over to the Speech and Hearing Department and they'll tell you that they gave me the tests over there. And, they identified that I have a particular learning disability.

HOFFMAN: Bob, as I was saying, I don't want to call you a liar or anything like that. I mean, that isn't my point. It's just you have to realize that this is something new for me. I've had a lot of students in my class who couldn't take a test. Maybe they had a disability, but it wasn't just, well maybe it was a learning disability but not in the sense that you're talking about.

STUDENT: Well, I'm not asking for special advantage. What I'm saying is...

HOFFMAN: What, what do you want?

STUDENT: Well, a couple of things. One is basically the time thing, that I need more time to take the tests and I also need to be able to listen in class without writing notes because as soon as I start to write notes down there I lose what's going on in the class. So what I'd like to be able to do is to tape record...

HOFFMAN: Oh, wait, wait, wait, wait, wait, hold it, hold it, hold it, hold it. First of all, I don't know. You know if I give you more time to take the test, what are the other folks in the class gonna say? I mean, you know special advantage is special advantage, I thought we were out of that business.

STUDENT: I don't think this is a special advantage, just because I'm different in the way I learn than other people.

McCOMBS: How'd you get in this school? I mean, why don't we know about you?

STUDENT: I don't know that. I went to the admissions and...

HOFFMAN: They talked to you about this? Did they ask you about it?

STUDENT: No.

HOFFMAN: No? Well, gees, you'd think I would know about this, somebody would tell me. Do your other profs know about this?

STUDENT: Well, some of them I've been talking to.

HOFFMAN: They give you longer time for tests?

STUDENT: Well, one of them did.

HOFFMAN: Yeah? How'd it work out?

STUDENT: I'm doing real well in it.

HOFFMAN: How'd it work out with the other kids in the class?

STUDENT: I don't know. I'm not responsible for them.

HOFFMAN: Yeah, well, I am, see, that's my problem. And about this taping, you know, Bob, you got to realize that this whole bit of what we say in class sometimes is not exactly what we'd like other people to hear.

STUDENT: I hear you.

HOFFMAN: And uh,

STUDENT: Let me tell you what I'll do, Dr. Hoffman. Soon as I got the notes transcribed I'll give them back to you. I'll give the tapes back to you, so you can erase them. You can see that I don't have any permanent record.

HOFFMAN: I'm...

STUDENT: If you're worried about that.

HOFFMAN: You mean nobody else is going to hear them.

STUDENT: No, just me.

HOFFMAN: How can I be sure of that, Bob? I mean people come into your room...

STUDENT: I am giving you my word, that's all.

HOFFMAN: Well, again I don't want to doubt you or anything like that.

STUDENT: See, it's like I know that I can make it, if I can operate in the right environment. But I have to come in and talk to you and see if we can't work it out because I know that if I have to perform in the same manner as the other students, I won't be able to do it.

McCOMBS: It's not such a bad idea. The taping bothers me though.

HOFFMAN: I, well look, obviously you got a problem that, you know, I don't know how it functions or anything. I'm only a Professor of English, and I've never got involved in this kind of thing before. Wow, you don't have any trouble submitting papers, right?

STUDENT: No. No, I can get your papers in.

HOFFMAN: Yeah, okay. On taking the test, well, tell you what, you start the test with everybody else and we'll talk further about this before the next exam. But maybe we can work out something where you can continue it say in my office or something like that without anybody else knowing about it.

STUDENT: Yeah, fine.

HOFFMAN: You think that will work?

STUDENT: Super.

HOFFMAN: About taping though, I'm afraid of that. I just don't want my stuff to get out of the classroom. There's some pretty strong stuff that's said in my class,you know that, Bob. What kind, you got a regular tape recorder?

STUDENT: Um-m. Just like that one right there.

HOFFMAN: Cassette. Okay, let's hold off on that one and talk about it a little more.

STUDENT: Okay, maybe we can work out some other way I can get the notes, or maybe somebody else can take the notes for me or...

HOFFMAN: All right, I'm not saying no on the taping, but I just got some hangups about it. My lectures are, well...you know what my lectures are like.

STUDENT: Yeah.

HOFFMAN: Let's talk about that another time, but there is an exam coming up next week. Maybe we can handle that thing, the first thing. All right?

STUDENT: Okay, thanks, thank you.

HOFFMAN: All right, thanks for coming.

STUDENT: Yeah, fine, thanks.

HOFFMAN: I don't know, Guy.

McCOMBS: Well, I don't know either. Well, we don't know these kids these days. I don't know. It's hard to tell.

HOFFMAN: I don't know if he's putting me on or not. I just can't figure it out. Let's see what happens.

McCOMBS: All right.

HOFFMAN: Thanks for your help. Okay? See ya.

Scenario II

The three-member Biology Department Admissions Committee meets in Professor Carothers' office.

CAROTHERS: Gentlemen,...

McCOMBS: Yeah.

CAROTHERS: I called this meeting of the Biology Department Admissions Committee and I trust you have all had a chance to see this Jan Retzle's application for admission to our department. I

want to say, I want to say before we even get going here that I, I hope you have all looked down and noticed...

McCOMBS: She's a good student.

CAROTHERS: that this is a, this is a woman with cerebral palsy. This is a woman confined in a wheelchair and I want to say right from the beginning that I am seriously worried about the safety factors in our laboratory...

HOFFMAN: That is outrageous!

CAROTHERS: Well...

HOFFMAN: What are you talking about?

CAROTHERS: I know, I can expect this from you, typical bleeding heart reaction, but I...

HOFFMAN: Oh come on!

CAROTHERS: There is a serious problem here...

HOFFMAN: Here we go again, guys.

CAROTHERS: of burning themselves, injuring other people by spilling dangerous chemicals and I don't want that kind of thing in our department.

HOFFMAN: Did you see her high school record in Chemistry?

CAROTHERS: She would be an ideal Spanish student but she doesn't belong in the Science Department.

HOFFMAN: Did you see her science record? She's got practically straight A's, damn it!

CAROTHERS: I'm sure everyone's been giving her "sympathetic" grades for years.

McCOMBS: The record's pretty good though.

HOFFMAN: Along with everything else, she's gone through the whole thing. You know we've got an obligation under the law to do certain things. You ever hear of 504?

CAROTHERS: More government red tape.

HOFFMAN: Yeah, more government red tape. But if we don't do it the government...

CAROTHERS: What do they care about the standards of the University? What do they care if this is a quality program?

HOFFMAN: Do you know what you can do? Do you know that you can cause...

CAROTHERS: What? She's dumb to try it.

McCOMBS: I don't care if she was dumb in trying the class. Maybe she'd be great for the program, female, handicapped.

CAROTHERS: There are two things that everybody in this program has to do. They've got to go in the wetlands marsh project and she can't roll the wheelchair into the marsh.

HOFFMAN: No, but she can...

CAROTHERS: and she's got to go on the Wallis Island Marine Consortium Project and she can't get down the ramp, she can't get down in the hold, and she'd be rolling back and forth across the deck in her wheelchair.

HOFFMAN: Why does she have to do all those things?

CAROTHERS: It will not work!

HOFFMAN: Why does she have to go through those programs? Can't we waive those programs?

McCOMBS: I could send somebody up to assist her. We could waive those field trips. Anyway, I'll take her in my class. I'll make any kind of adjustments I can for her.

HOFFMAN: Now wait a second; you're letting him off the hook. I don't think that's fair. I mean, here's a guy that's putting the whole University in jeopardy, with all the money that we get from the Feds, plus the BEOG, plus all the other things that the kids get. You want that cut off just because you don't want this gal in your class?

CAROTHERS: Well you people will probably, as you usually do, out-vote me on these things but I don't want that woman in my classes; and if you're going to be her advisor you keep her out of there.

HOFFMAN: Oh I'm not necessarily going to do any such thing, except that I don't think I'd put her through the torture of coping with somebody like you. I think we ought to vote right now on whether we admit her or not. I'm for it.

McCOMBS: I'm for it also.

HOFFMAN: How about you, Bob?

CAROTHERS: I vote no.

HOFFMAN: Yeah, I figured you would. She gets in.

CAROTHERS: This is cheating this girl, giving her a profession she'll never get a job in.

HOFFMAN: Yeah, well I'll bet you. You want to lay, well...I'll show you, I hope I can say to you four years from now, boy were you wrong, and I hope you can say it, too. Cause you're gonna find out some day that you're only one step away from a handicap yourself, just an accident away and that's...

CAROTHERS: All in favor of admitting her say aye.

McCOMBS and HOFFMAN: Aye!

CAROTHERS: Opposed? No.

HOFFMAN: She gets in.

CAROTHERS: Meeting's adjourned.

HOFFMAN: We'll work it out.

Scenario III

From time to time Professor Guy McCombs has referred many capable students for work-study jobs to his friend, Neal Hoffman, head of the Family Planning Agency. Today he is bringing along Student Bob Carothers, who is very keen for a counseling job at the agency. In setting up the appointment, Guy did not mention the fact that the student is blind.

HOFFMAN: Hi Guy! How are you?

McCOMBS: Hi Neal. How's it going?

HOFFMAN: Okay

McCOMBS: Good to see you. Good to see you. The Student Body put you in the mood for the rites of spring?

HOFFMAN: Yeah

McCOMBS: We missed you at Columbus.

HOFFMAN: Oh well...can't get to everything.

McCOMBS: This is Bob Carothers.

HOFFMAN: Hi Bob!

STUDENT: Mr. Hoffman, how are you sir?

HOFFMAN: Good to see you.

STUDENT: I've heard a lot about your agency. I was looking forward to this chance to come down and meet you, sir.

HOFFMAN: Why don't you sit down.

McCOMBS: Yeah, like I was telling you last time--this is one of the greatest students I've had in the program. Really terrific. I'd like to see him get work up here, get some good experience. He's had some real nice practical stuff with us. He's an outstanding guy.

STUDENT: I worked for the last two years as you probably noted at the Student Counseling Center there. I worked with many of the same kind of problems which I understand your agency deals with, so I'm looking forward to the chance to work here with a non-student population.

HOFFMAN: Yeah, well, Bob, what experience have you had with families outside the University setting?

STUDENT: Well, I probably have not had much more experience than the average student coming out of college, sir. But I have listened to a lot of problems that have dealt with families, and I'm prepared to learn as much as I can from the experienced people on your staff.

HOFFMAN: Uh-mm.

STUDENT: I think you'll find me eager and willing to learn. I take directions well. I listen well. I believe you'll be pleased with my work.

HOFFMAN: I'm sure of that. Yeah.

McCOMBS: He was very good with the students.

HOFFMAN: Well...

STUDENT: I've learned from some of the best professors at our University, if you don't mind asking. All of whom speak very highly of you, sir.

HOFFMAN: That's nice. I've never had a situation like this before, Guy, you know. Bob...(speaking more loudly)

STUDENT: Yes.

HOFFMAN: (in a loud voice) Can you tell me how you would deal with somebody who's just coming in and,you know, a person you obviously can't see. How do you do it?

STUDENT: Well, I think I've learned to compensate fairly well for my vision problem, Mr. Hoffman. I'm able to introduce people and to hear what they're saying. I've really developed, I think,

to a higher sense than most people the ability to hear intonations and intimations in people's voices.

HOFFMAN: (lowering voice to normal) You know, I don't know, Guy, if you've described the workplace and the crowded desks and everything to Bob. Bob, how would you handle something like that?

STUDENT: It usually takes me a day or so sir, to get the feel for the place , as it were. But once I have gotten that I have no difficulty in getting around.

McCOMBS: Tell him, Bob, how I told you about the floor plan of this organization and...

STUDENT: Dr. McCombs has given me a general outline of this operation and I think with a brief orientation I'll be quite at home here. I am really looking forward to it.

HOFFMAN: (loudly) Yeah, I can, I can see that and I'm sure your experience is great Bob. I just, I have a, well...

STUDENT: I had an opportunity to read the report of your agency last year, sir. The number of clients that you've handled and the success rate here is certainly a model to all the people who're working in this area.

HOFFMAN: (loudly) Well, yeah, we do think we have a good program here and we want to keep it that way of course, you know. I just have never had this kind of situation before, Guy.

McCOMBS: What do you mean, because of his sight?

HOFFMAN: (normal voice) Well, yeah. (loudly) See Bob it's, it's,it's the kind of thing that's a little different for me and I've never dealt with people who are, who can't see.

McCOMBS: You seem to be having problems yourself. Are you getting deaf? You're shouting.

HOFFMAN: (normal voice) Yeah, but, well that's true. (loudly) But it's just...Well you don't have one of those dogs, do you?

STUDENT: Well, no I don't.

HOFFMAN: (loudly) We'd have a real problem with that. Are you gonna use a cane or...

STUDENT: Sometimes I use the cane. I don't use it once I'm in the facility and know my way around. I use it on the street.

HOFFMAN: (normal voice) I wonder how our clients would feel, Guy...

STUDENT: Well, you know, sir, that clients react differently to different counselors, and when we determine that I think that there's a particular problem that arises out of my condition, we probably can route those people around to some of your other counselors. I think many people react very well to a visually handicapped person.

HOFFMAN: (loudly) Well, look, Bob, I don't want you to get the wrong idea, I mean I admire you people for the kinds of things you can do and everything and how you manage. Well you know, I have a blind friend who...

STUDENT: I know.

HOFFMAN: (loudly) But the work situation, it's very hard for me to...

McCOMBS: Well I can understand, Neal, but Bob is a top student. And I purposely set up things to see if he could negotiate. I mean, he's been terrific. He's no different than you and I.

HOFFMAN: (normal voice) Yeah, he's certainly different though, Guy. I mean he can't see. He can't see.

McCOMBS: But I still think this won't stop him.

HOFFMAN: No it may not stop him but it may stop me becaue after all I've never dealt with this and I just don't know. (loudly) I'm trying to work it out, Bob.

STUDENT: I, I don't think this is the right agency for me.

McCOMBS: Well let's check this out.

STUDENT: I don't think this is the right place for me.

HOFFMAN: Now, just wait a minute fellow, you know I just wanted to try to work things out here.

STUDENT: I think probably we should go.

HOFFMAN: Look! If that's your attitude, okay but I think that's a hell of an attitude. Go.

STUDENT: I don't have to, I don't have to put up with this kind of stuff.

HOFFMAN: Well, I think that's a...You know, just a damn minute now. I, I'm trying to work something out.

STUDENT: I didn't spend all this time learning to be a counselor to have to put up with the bigot that runs the counseling office.

HOFFMAN: Oh, wait a second. I don't think this kind of attitude would fit in...yeah please do.

STUDENT: So long.

xxxxx

(Ensuing telephone conversation)

HOFFMAN: Hello

McCOMBS: Neal?

HOFFMAN: Oh yeah, Guy.

McCOMBS: Gees, I'm, I'm sorry.

HOFFMAN: Guy, Guy, wait a second. You should have told me beforehand for crying out loud. You didn't give me any warning. You didn't tell me. You just throw this guy on me. He may be the best damn student you ever had but, that's not fair. I don't even know if we're going to continue with, you know. If you're going to do this to me. We've had a good relationship fella.

McCOMBS: I know. I know. I want to maintain it. I mean we can't, we can't let this one situation kill the relationship, I've given you some good people now, Neal.

HOFFMAN: Yeah, but not hypersensitive people, like that. I mean, I was trying to work something out in my own mind. I mean he just gets up and starts name calling. I won't stand for that.

McCOMBS: Come on Neal, It wasn't quite that bad. The kid was upset.

HOFFMAN: He was upset, how about me?

McCOMBS: He's really looking forward to the job. I told him...

HOFFMAN: For crying out loud.

McCOMBS: I thought he was a shoo-in. I was really afraid to tell you, primarily because I thought you might have rejected him. I wanted you to see that he could do anything anybody else can do.

HOFFMAN: Well, I saw he couldn't stand pressure.

McCOMBS: Well, you put an awful lot on him. You really did.

HOFFMAN: Well, you know that that's gonna happen on the job here. I don't think that that was so unfair.

McCOMBS: Well, I'd like you to just mull it over for a while and let's go play golf next week and talk it over, okay? Would you at least consider it that long?

HOFFMAN: All right, Guy.

McCOMBS: All right

HOFFMAN: I'll see you next Sunday.

McCOMBS: Okay. Take care.

HOFFMAN: All right, thanks.

McCOMBS: Bye.

HOFFMAN: Bye.

Chapter 6

Accommodation Background

A. H. DeGraff

ABSTRACT

There is a two-fold rationale for providing accessibility, or availablity, to commonly used facilities at our campuses: ethical and legislative. Contrary to myths from inaccurate reports of the Davis Supreme Court case, we need not lower well established academic standards for increased admission of handicapped students. Such a lowering of standards has never been the intent of legislation, or the wish of the handicapped who generally ask to be "treated" as other students as long as they have the same access to offerings as anyone else. In providing this access, our key in making any individual accommodations is to identify one's functional limitations. By bridging one's functional limitations with enabling accommodations we are progressing from the limiting approach of past traditional thinking barriers, barriers which associate certain academic and career fields solely with able-bodied participants.

We have previously discussed the spirit and philosophy behind providing academic accommodations. As yet further foundation before a subsequent section cites "how to" methods, we shall explore the most meaty topics with which we should all be familiar before diving into those actual methods.

Topics will include the rationales for providing access on our campuses, a practical definition of the concept of "accessibility," a briefing and update on Section 504, an introduction to facts of the 1979 Davis Supreme Court Case and a commentary on admission philosophies, a discussion of "functional limitations" and their overall key to making any accommodations, and, as a final stepping stone to the methods section, a discussion of "traditional thinking barriers" by definition and example.

Therefore this chapter will serve for all of us--old or new to making accommodations--as both a source of guideline information and as a refresher. As a footnote, let's keep in mind that we will be using the terms handicapped, disabled, and impaired synonymously. There are, at times, legislative and philosophical differences. Too much sight of common objectives of providing access is lost by controversies over these terms. Let's not lose valuable steam over needless semantics!

Rationales for Providing Access

A partial listing of rationales includes both statistical data and a look at the legislative and ethical viewpoints.

The old adage that "one in ten Americans is disabled" is pretty much out of date. Today's figure is closer to one in five. After all, "one in ten Americans" is now over the age of 65! While certainly not all senior citizens have a handicap, a sizable proportion do.

Based on the 1970 census, it has been estimated that between 48 and 60 million fellow Americans have some sort of impairment that requires special consideration for needs of daily living. The breakdown, as we currently have it, is as follows:

-- 2.4 million deaf plus 11 million significantly hearing impaired: the largest single disability in the country.

-- 11.7 million ambulatory handicapped: not only wheelchair users, but also those with impairments from cardiac or arthritic conditions or simply a significant lack of coordination all make up this partial listing.

-- 1.3 million blind plus 8.2 million significantly sight impaired: note that the partially sighted outnumber the totally blind by a 7:1 ratio. Less than 4% of these read braille on a regular basis, making tape a more generally useful format for college texts.

-- 12.5 million temporarily injured: we are, as campuses, not only concerned with making facilities availabe to the choice of those with a "permanent" impairment, but also to the leg-casted victim of a skiing tumble or banana-peel slip.

Beyond the statistical rationale, there is, among others, the legislative and ethical viewpoint. We recall that the major federal legislation protecting the rights of the handicapped on campuses came first in 1973, and in expanded form in 1977. Failure of a campus to comply could result in all of its federal funding being cut off.

However, since long before this primary legislation the majority of campuses have continually made accommodations of many kinds, also based on an ethical concern.

As campus faculty and staff concerned with proven strategies for making accommodations, we might ask about the respective roles of legislative and ethical rationales.

They are both essential to our campus access objectives and indeed complement each other, but each has its time and place.

Legislation: We should be at least basically familiar with overall objectives, structure, and general content so requirements will be both met as well as not contradicted. Unless otherwise directed in the text of any legislation, we shouldn't regard the minimum requirements of the text as limitations on the accommodations which can be made. Those minimums are usually intended as just that--guideline requirements on minimums from which ethical provisions of access merely begin to blossom.

Ethics: Legislation has limitations of applicability and scope which the ethical viewpoint of access provision complements. Legislation is directly ineffective in such areas as changing attitudes, i.e., changes in the attitudes of people toward the handicapped cannot be directly mandated. Ethics also provide the rationale for most of the details of a particular institution's accommodation plans. The texts of legislation in our topic area could not possibly include contents on specifically how each type of accommodation should be made. Our ethical concern then takes over in innovation from where the guideline minimums of legislation leave off. These ethical concerns existed long before current federal, state, and local laws; exist now in complement to them; and should the laws be repealed tomorrow for some strange reason, will exist beyond our guideline statutes.

Accessibility Defined, At Last!

The term "accessibility," as pointed out previously, is so frequently thrown about these days that many of us have lost track of the meaning. We might even wince each time we hear it for its current automatic association with costly structural access needs. Let's recognize the term for its many uses and breadth of meanings.

If any of us wanted, as we read this, to call the President of the United States and either compliment or complain, we would probably find him directly "inaccessible" to us. If, in another example, a student is the 41st individual in line to register for a course which holds 40 people, he may find--handicapped or not--that the course is closed, and therefore "inaccessible" when he reaches the registration computer.

"Accessibility" then, can simply be defined as "availability." It is commonly provided on our campuses in two forms: structurally, through architectural features and special equipment, and nonstructurally, through policies, programs, and practices which are designed to ensure that the handicapped have the same chance to choose from offerings and participate as anyone else. Though not making the news as often as the more costly structural concerns, the nonstructural aspects make up the

vast majority of access efforts and are generally of little or no cost and common-sense in design.

504 Briefing and Update

Especially since mid-1977, college personnel have been hearing and reading all sorts of facts, and sometimes not-so-factual horrors, about "some 3-digit federal legislation relating to the handicapped!" The primary legislation of discussion is Section 504 of the 1973 Vocational Rehabilitation Act. It may well be wise at this point of our accommodation background chapter to recap briefly, in nonlegal layman's terms how this legislation came about (after all, why are we suddenly having to comply with something passed in 1973?), to list which easily obtainable explanatory documents we as faculty should have in our files for quick reference, and to point out which parts of those guidelines are particularly applicable to our academic concerns.

Back in September of '73 that original legislation (PL 93-112) was passed. In its 39-page text are many sections which deal with topics of the over-all rights of handicapped people, state vocational rehabilitation agencies, the federal Architectural and Barriers Compliance Board, and the need for some federal contractors to take affirmative action toward hiring handicapped people. The very last 46-word paragraph of this law is numbered "Sec. 504." Basically, it tells any recipient of federal financial assistance not to discriminate against the handicapped, as defined in that legislation in any of the recipient's programs or activities. "Handicapped person" in that legislation was defined in terms of someone with an impairment who showed potential for employment.

This started many people talking about two needed improvements: a more practical and widely applicable definition for the term "handicapped person" as well as more guiding detail to the recipient as to how not to discriminate. A change finally came on April 28, 1977 when the then Secretary of HEW, Joseph Califano signed a revised version of 504. The two needed changes were incorporated. A revised definition termed a handicapped person as someone with an impairment (there are 3 parts to the definition, but this is the overall concept). Secondly, detail as to how not to discriminate is well outlined according to types of recipients.

This detail is readily available to the public at no charge. It was published by HEW in the May 4, 1977 Federal Register. Since the breakup of HEW exactly three years later, the new Department of Education is now the parent agency responsible for 504 in the educational sector. It reissued much the same guidelines in the May 9, 1980 Federal Register. Single personal copies or bulk institutional copies of either or both issues are available by phoning one's regional Office for Civil Rights (OCR), the governmental branch still charged with the

interpretation and enforcement of 504 as it relates to the educational sector.

The differences between the two Federal Registers is slight and mainly in the differing section numbers. To translate from old to new, in case one reads commentary on the 1977 copy and is the proud owner of the 1980 version, simply replace the "84" prefix before the decimal point of a section reference to the 1977 vesion with a "104" in the 1980 version. For example, "preadmission inquiry" in the 1977 text is covered under section 84.42, and in the newer version under section 104.42. As the differences between these two texts are indeed slight, we shall refer here from habit to the 1977 version as our document on Section 504.

The over-all objective of 504 is summed up in the master non-discrimination paragraph of the first few sections, entitled Discrimination Prohibited. The paragraph reads much like the 1973 version:

> No otherwise qualified handicapped individual in the United States...shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

In the body of the law and the regulations are found sections specifically addressing some of the concerns of the postsecondary academic sector. In part, Section 84.43, Treatment of Students, applies the master non-discrimination paragrph to the following areas: "academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, and (any) other postsecondary education program or activity." The objective is to provide "an equal opportunity for the participation of qualified handicapped persons...in the most integrated setting appropriate."

The next section, 84.44, is entitled Academic Adjustments. A brief review brings out the following points, and the reader is strongly encouraged to consult the original text for its fuller detail. In part, it is required that:

1. institutions shall make modifications to their academic requirements as are necessary to ensure that they don't discriminate, on the basis of a handicap against a qualified handicapped applicant or student; however,

2. requirements that institutions can demonstrate are essential to the program being pursued by such a student or to any directly related licensing requirement will not be regarded as discriminatory

3. valid modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted

4. institutions may not impose upon handicapped students other rules, such as prohibition of tape recorders in classrooms or of guide dogs in campus buildings, that have the effect of limiting the participation of the handicapped in the educational program

5. in examinations or evaluations of any kind, formats used to not discriminate against sensory, manual, speaking, or other types of impairments which would consequently limit the handicapped student's ability to show an accurate degree of course achievement

6. benefits or participation in any educational program or activity may not be limited because of absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills

7. these auxiliary aids may include taped texts, interpreters, or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services; the institution need not provide attendants, individually prescribed devices, readers for personal use or study or other devices or services of a personal nature (see commentary pages).

Once more the reader is encouraged to consult the original text, with its helpful commentary sections for a more detailed version of these excerpts.

<u>The Davis Case and Academic Philosophy</u>

Among events which have brought media commentary to the requirements of 504, perhaps one of the most prominent recently came with the Supreme Court case regarding Southeastern Community College and Mrs. Frances Davis, an applicant to its nursing program. A detailed analysis of the case and its implications will be presented in a later presentation, but a brief introduction to the facts of the case and a viewpoint on the admissions philosophy it raises are pertinent to our current discussion.

Mrs. Davis, on application to Southeastern's registered nursing program, was academically qualified and had been a practicing Licensed Practical Nurse for several years. She had become increasingly hearing impaired, with need for a hearing aid and the opportunity to read the lips of anyone speaking to her. Southeastern had established an overall objective for their program in training their students in "all customary methods of nursing." It saw at least two instances where it was believed Davis could not perform nursing duties: in the operating room where face masks are worn and in the clinical setting, where her help might be summoned verbally while not within direct sight of the needy patient, and consequently that need would be unknown by Davis. Southeastern believed therefore that it would be lowering its standards, and denied Davis admission. The case climbed through the courts until, on June 11, 1979, the U. S. Supreme Court ruled in favor of Southeastern. The Court ruled that Southeastern was not required to admit Davis, as an institution need not lower its standards for the admission of a handicapped student.

As mentioned, the full findings of the case and other implications will be discussed later, but for the moment let's look at the interesting contrast in admissions philosophy raised here.

Our scene is the office of any college department, used for interviewing applicants to the program. All applicants granted an interview have passed academic qualifications and now appear for face-to-face questioning. Among questions asked of the applicant is probably the classic, "What are your career objectives for seeking admission to our program?" If the department sought-after offers a program in chemistry, the interviewer might ask, "Of the 20 major career types in chemistry, which are the basis for your admissions request?" The applicant might typically answer, "Well, I have no interest in areas A, C, J, or M and no aptitude for areas P and Q, but I've always believed myself to have brilliant potential for areas F, K, and R." Other factors being favorable, the department might well believe that sufficient rationale exists for admission. After all, no applicant can be expected to desire, or perform equally well, in every possible field of every career toward which an academic field of study can lead. But what happened in a situation similar to that of Mrs. Davis? The interviewer would ask of the chemistry applicant, "Of the 20 major career types in chemistry, are there any which you <u>cannot</u> perform? Yes? I'm very sorry then, but we cannot admit you." An interesting philosophical contrast, indeed!

<u>Functional Limitations: The Key Concept to Individual Accommodations</u>

While the accommodation, or set of accommodations, made for a number of people with the same type of disability may be similar or even identical, we cannot anticipate in advance anyone's specific needs. Each individual has particular needs

based not only on type of impairment, but its degree of severity and in some cases its multiplicity, if more than one type of impairment is involved. For example, one individual with wheelchair mobility may also have needs based on the "multiple handicap" of an additional sight impairment.

As a foundation to understanding impairments, we have included in the accompanying handbook a three-column chart entitled, "A Basic Layman's Guide to Campus Disabilities." The three columns list the most common disabilities appearing on campuses, a brief layman's description of each listed impairment, and then the most common functional limitations associated with each impairment.

Several items should be noted in using this chart. First the list of disabilities is far from exhaustive, but it does include the most common ones. The list has been chosen to reflect impairments of both permanent and temporary nature, and to encompass those of students we usually consider "college age" as well as those, who along with faculty, staff, alumni, and guests for whom we also make accommodations, may be substantially older. After all, the median age for a college student is on the increase! The second column of impairment descriptions is purposely not technical, but nonetheless accurate, having passed the careful scrutiny of the distinguished medical authority, as noted, with whom we consulted. The third column of limitations might seem overly general on first glance, until we consider the wide variety of actual functional limitations possible from case to case within any single disability type. As faculty, administrators, or simply fellow students to a colleague with a handicap, we might therefore begin to wonder "where we start," especially if this process of accommodating special needs is supposed to involve so little, if any, expertise and cost.

Our procedural process can take a number of forms, but usually boils down to answering two basic questions: (1) what functional limitations of this particular individual need to be accommodated, considering the nature of the specific academic course or campus activity in question, and (2) by what means can these needs be met? The primary resource for these answers is the handicapped individual. With reference to the first question, not only should the assessment of functional limitations rightfully be the responsibility of the individual with the impairment, but if lacking in the individual, such an assessment is usually outside the competence of most campus colleagues. If the impaired person is lacking this knowledge, referral to appropriate campus or outside community expertise should be suggested. With reference to the second question, the individual may well have an accommodation already formulated for your review; however, an answer to the second question may well become a combined effort involving more than just the two of you. The latter occurs when the handicapped individual is unaware of the specific physical demands of the academic course or activity, or when one or both of you are still unsure of how the accommodation will be made even after assessing functional

limitations and physical demands. This need for third-party brainstorming is by no means uncommon, and calls for campus, outside community, or even national resources in some cases. Many of the national resources listed by topic (of expertise in the manual) offer their information or counsel without charge.

So the starting point in making accommodations is assessing the functional limitations that interfere with performance of the particular activity at hand. Usually the technical medical basis for those limitations is not only of little or no use to this process, but again is outside the lay knowledge of most of us. For example, an impaired individual might on one hand tell us "I have a spinal cord injury at the C-5 level and am a quadriplegic as a result of a 1967 diving injury," and indeed give us no information relevant to our needs. On the other hand, when asked what functional limitations he or she has, the reply yields "I am dependent on motorized wheelchair mobility, have very little hand grasp, need help to take class notes, and need to hire a student typist for term papers."

With that latter type of functional information our commonsense-type approach to an accommodation solution can begin.

Traditional Thinking Barriers

In the "Spirit and Philosophy" discussion, we mentioned that today's philosophy is one of providing accommodations--bridging one's functional limitations--to make possible a mainstreamed participation in the common facilities and offerings open to everyone. Historically the approach had been one of limited opportunities resulting from traditional thinking barriers. To guard against falling into this mode of outdated philosophy, let's define and illustrate more clearly the concept.

Quite simply, traditional thinking barriers are those created when we associate any academic or general campus activity, career field, or everyday event solely with able-bodied participants.

Traditionally, any of us might associate the term "nurse" with a female, dressed in white cape and long uniform, walking down a hospital corridor with a hypodermic in hand. We have already overcome a bit of traditional thinking if we consider departures from this historical image: no cap, a colored uniform of various styles and lengths, a male occupying that uniform, and the setting including clinical as well as community varieties. It is now time to enter the additional variation of someone with a physical impairment.

You are the academic dean of the nursing school of a nationally prominent university. The school requires all academically and otherwise qualified applicants to report for a preadmission interview. The applicant at the ten o'clock appointment this morning will be Sam Johnson who looks very

promising from the credential file in front of you. Sam rolls into your office in a wheelchair.

Traditional thinking just doesn't seem to match up even today's modern image of nursing with this guy in a wheelchair! Having read about the need to be open-minded about these things and look at all the possibilities, and yet not compromise academic professional standards or the school's national reputation in order to pass him somehow through the curriculum, you naturally wonder how best to proceed.

So far, Sam is on the same highly qualified level as all other applicants. Therefore for much of the interview it might be best to proceed as you would with any other applicant to determine objectively if he also meets the "interview credentials" expected of any other applicant. This is not to say that the obvious handicap should be ignored but its existence should not be allowed to get in the way of the standard interview evaluation. The handicap is inappropriate to the nature of many parts of the questioning.

One of the basic objectives of this on-site interview, where required of everyone, is to assess the applicant's individual academic and career objectives and whether the particular school curriculum offered is appropriate. The procedure for Sam is no different. As with any other applicant, able-bodied or not, Sam's objectives may not be among those that can be fulfilled by your school's curriculum; on the other hand, we may find that "ordinarily" the two would be a compatible match. Furthermore, Sam has carefully explored career possibilities among those available today in nursing, or indirectly from a nursing education, and his objectives are fully physically feasible for his realistic assessment of his functional limitations. These might include, but not be limited to certain clinical settings where wheelchair mobility is not a limiting factor, nursing administration, instruction, research, or an outside medical career for which a thorough knowledge of nursing is an essential part.

Okay, Sam meets all of the interview criteria, but how can he be accommodated into the mainstream of course requirements demanded of all students? In our simplified but realistic example, we might classify these course requirements into three basic categories: classroom, lab, and hospital field-internships. The first two present no major problems as architectural access is the main accommodation, and while it has been a costly process the curriculum has in that way already been made accessible.

But what about the hospital field work and internships? Patient safety is involved here. No hospital would allow Sam participation in clinical situations beyond his physical capacities which might well endanger that safety.

Chances are excellent that the realistic concerns of the hospital are also those of Sam. Of the "certain clinical settings" which Sam outlined as potentially feasible career areas for him, bedside floor care of certain kinds was probably not included. Consequently, he probably doesn't plan to be able to participate fully at the instructional stage, either. But this does not mean that Sam should necessarily be completely waived from clinical requirements. He can't participate physically in the conventional way, but he can observe, otherwise absorb fully the clinical experience, and also pass the clinical exams. Those exams may have to be given in a modified format different from that routinely given to those students to be certified for floor care, but then Sam doesn't intend to perform floor care but merely have a thorough knowledge of it.

All of these factors needing accommodation require thorough discussion and planning, with instructional faculty involved, at an early state. Many of the accommodations might necessitate consultation with outside experts. However, Sam may also be one of the highly regarded future members of your nursing faculty! In accepting this, we have come a long way from traditional thinking barriers.

In Summary

There is a two-fold rationale for providing accessibility, or availability, to commonly used facilities at our campuses: ethical and legislative. The law, the Federal regulations, and the U.S. Supreme Court in the Frances Davis case all say the same thing: we need not lower well established academic standards in order to admit and accommodate handicapped students. Such a lowering of standards has never been the intent of legislation, nor the wish of the handicapped who generally ask to be "treated" as other students as long as they have the same access to offerings as anyone else. In providing this access, our key in making any individual accommodations is to identify the student's functional limitations. by bridging these by means of enabling accommodations we overcome the limiting approach of past traditional thinking barriers, barriers which associate certain academic and career fields solely with able-bodied participants. "Anyone should be able to pursue as fine an education, and to whatever degree, as one wishes." While there are many realistic limitations to this ideal, we have a responsibility not to make a lack of common-sense academic accommodations to the handicapped one of them!

Chapter 7

Learning Disabilities

P. S. Jastram

The professor of English was frowning down at the table. Attending a meeting of the University committee on access for handicapped students, she had just listened to a dyslexic student describe the frustration of trying to cope with spelling. She looked up and remarked: "I feel so ashamed. For thirty years I've been telling my students that 'anybody can learn how to spell.'"

Probably the impairment most difficult for us as educators to deal with is the class called learning disabilities. There are many possible reasons why a student does not learn. The term 'learning disability' is applied to the situation where there is a specific causal functional impairment.

Perhaps the best known learning disability is dyslexia--literally, inability to read. But even this impairment may take many different forms, and exist in different degrees. It is not, for example, generally merely a problem of inverting the order of letters or words. A better description is that distortion and confusion take place somewhere in the acts of seeing the printed page, and processing and storing the information. There is evidence that in some cases there are congenital errors in the nerve-connection circuits to the visual cortex. In some cases the problem manifests itself as difficulty in coping with numbers or other symbols rather than letters and words.

In other cases, the problem seems to be an exceptional inability to carry through a mental process or information reception in the presence of competing signals. The affected individual may have to make an extreme conscious effort to shut out distractions, in order to carry on any continuing productive mental process. For example, listening to a lecture and at the same time taking notes may be exceptionally difficult.

Formerly, it is clear that most students with substantial learning disability never made it to college. They probably never knew why it was so difficult to learn, and dropped out of school along the way. But now these disabilities are becoming much better known and the affected student has a correspondingly better chance of being noticed and the impairment diagnosed. In addition, modern technology offers important new ways of circumventing the disability.

With the current rapid growth in awareness of learning disability, and with the hopes and expectations raised by Section 504, we may expect a rapid growth in the number of 'LD' students in the future. One thing to keep in mind is that any student with a substantial learning disability who succeeds in entering

ge at all is likely to have a great deal on the ball to be estionably "otherwise qualified," and to have exceptional ing-power.

This is a "hidden" disability. It may even be hidden from tudent who has it. If so, the person likely to be in the position to detect it is the teacher to whom the student, g difficulty with the course, turns for individual help.

We all have a variety of standard ways of trying to get nts to understand the subject matter, to acquire awareness, o learn an analytical or synthesis technique. One signal there may be a learning disability is an exceptional nsistency in the relative ability to do or understand rent things: a student with excellent verbal responses who ot cope with a written text; the ability to translate back forth between a verbal and symbolic statement of a problem, inability to work abstractly with the symbols themselves; a ific operational "hole" in an otherwise competent ormance. If you suspect a learning disability, discuss the ibility with the student, and suggest diagnosis by an expert. e are good diagnostic tests for dyslexia and related lems.

On the other hand, the student may be thoroughly familiar the fact that he or she has a learning disability. It is to keep in mind that such a student has probably encountered ber of skeptical and unbelieving teachers. Don't add to the lem. Listen carefully to the request for tape-recorded lement to the text, extra time to work examinations, or ever the student may prescribe. Discuss consulting expert , not in the spirit of determining whether the student is g honest in describing his special needs, but of acceptance positive, encouraging practical support.

Chapter 8

Section 504 - The Davis Case: Where Do We Go From Here

N. M. Hoffman

ABSTRACT

The promise of Section 504 of the Rehabilitation Act of 1973, as amended, has been eroded by recent judicial decisions and by bureaucratic inertia. The case of Southeastern Community College v. Davis, decided in the Supreme Court in June 1979, dealt a strong blow to the hopes and aspirations of all handicapped persons, although the decision itself seems to be confined to admission to and participation in professional clinical training programs. More important than the decision itself was the language used by the Supreme Court in its expression of a paternalistic and stereotypical approach to the problems of handicapped persons. In addition, the fuzziness of expression in the decision has left the law open to widespread subjective interpretation. Perhaps most important of all, however, was the fact that Section 504 could have opened the way to innovative ideas for the accommodation of various disabilities, a pathway much needed in our society in order that we might be able to tap the hidden resource of handicapped people. Instead, the Davis decision may have closed the door to this path and left us with the same unchanging problems.

"The more things change, the more they remain the same." This oft-repeated expression can now, unfortunately, clearly be applied to the rights of handicapped persons in this nation, as narrow court decisions, bureaucratic delay and indecision, and organizational inertia continue to peck at the substance and meaning of legislation and regulations designed specifically to define and enforce those rights. The U. S. Supreme Court, other segments of the federal court system, state courts and such influential organizations as the American Association of Medical Colleges, have all become participants in the game entitled, "But We've Always Done It This Way!"

On June 11, 1979, the U. S. Supreme Court rendered a decision in the now well-known case of Southeastern Community College vs. Davis.[1] The details of that case are to be found in numerous other publications, and only a rather sketchy outline of some of the principal points of the matter will appear here. Frances Davis, a practical nurse licensed in the state of North Carolina, applied to Southeastern Community College to enroll in

---

[1] Southeastern Community College vs. Davis, 99 S. Ct. 2361, 2366 (1979).

that institution's Associate Degree Nursing Program, so that she might eventually be certified as a registered nurse. During the interview process it was determined that Ms. Davis suffered from a severe hearing loss which was ameliorated somewhat by use of a hearing aid and through her ability to read lips. The North Carolina Board of Nursing recommend against her admission to the program, claiming that her hearing loss would prevent her from participating safely (as far as patients were concerned) in the normal clinical training program, from realizing the benefits of the program, and from safely practicing as a (registered) nurse. (The Board also claimed that Ms. Davis's hearing disability could preclude her practicing safely in any setting allowed by a license as a Licensed Practical Nurse, despite the fact that for a number of years she had been duly registered as such.)

The school refused her admission to the nursing program, and after her request for reconsideration was turned down, Ms. Davis filed suit in Federal Court, alleging a violation of Section 504 of the Rehabilitation Act of 1973, as amended, and a denial of equal protection and due process. Ms. Davis lost at the District Court level, where the court held that her handicap actually prevented her from safely performing in both her training program and her proposed profession. The court also went on to say that, "Of particular concern...in this case is the potential danger to future patients..."[2] The Court concluded that Ms. Davis was not an "otherwise qualified handicapped individual" within the meaning of Section 504, because her disability would prevent her from functioning "sufficiently" in the college's nursing program. The court also dismissed Ms. Davis's constitutional claims.

On appeal, the District Court's ruling on Section 504 was reversed by the Circuit Court of Appeals, based on its conclusion that the District Court had misconstrued Section 504. It upheld the District Court's dismissal of Ms. Davis's constitutional claims. The Court of Appeals, referring to newly promulgated Section 504 regulations, felt that Ms. Davis's application should be reconsidered in the light of those regulations, and that the decision as to whether she was an otherwise qualified handicapped person must be confined to her academic and technical qualifications, rather than her disability. There was also a suggestion by the Court that Southeastern modify its program to accommodate the disabilities of applicants.

The decision regarding 504 was appealed by Southeastern to the U. S. Supreme Court, and on June 11, 1979, that court reversed the Court of Appeals decision.

---

[2] Davis v. Southeastern Community College, 424 F. Supp. 1345 (F.D.N.C. 1977).

The failure to admit Ms. Davis to the program is not the only potentially tragic aspect of the Supreme Court decision. Indeed, it was the wording of that decision, with its clear expressions of paternalism and fear for and of the handicapped, that perhaps may cause the most far-reaching consequences of the case. Moreover, the fuzziness of expression and the fallacies of the decision have added to our inability to understand the true implications of the decision, and have enhanced the turmoil generated by it.

The Court clearly did not have proper evidence before it when it said in its decision, "It is not open to dispute that as Southeastern's Associate Degree Nursing program currently is constituted, the ability to understand speech without reliance on lipreading is necessary for patient safety during the clinical phase of the program. As the District Court found, this ability also is indispensable for many of the functions that a registered nurse performs."[3] But it <u>is</u> open to dispute. It is difficult to imagine that Southeastern's degree program is radically different from similar programs in other degree-granting institutions. How, then can the Court explain the fact that one particular registered nurse, who has been practicing for a number of years and has attained a degree at the Master's level in the field of nursing, has been able to qualify and practice safely, despite the fact that from a very early age she suffered such a severe hearing loss that her main method of communication throughout her nursing career has been through lip reading? This same nurse, at a very late stage in the Davis case, was able personally to identify approximately 200 other hearing-impaired nurses who have been practicing and continue to practice successfully, despite their hearing disabilities. In supporting the District Court's findings that the wearing of surgical masks would make lipreading impossible, the Court ignored or was unaware of the existence of "see-through" surgical masks, a device often used by the nurse mentioned above.

It is also tragic that the court should have implied so strongly in its decision that handicapped citizens must wait for still more technological advances (modern day electronic crutches) before they are allowed legally to move ahead according to their abilities. It seems, instead, that citizens with disabilities must continue to expect to be measured by the extent of those disabilities, rather than by the extent of their capabilities, and that only when undue financial and administrative burdens upon a State are no longer imposed, will that come to pass. In an outrageously condescending passage, the Court held that "Technological advances can be expected to enhance opportunities to rehabilitate the handicapped or otherwise to qualify them for <u>some useful employment</u>" (emphasis added).[4]

---

[3] 99 S. Ct.

[4] 99 S. Ct. at 2370

In addition, the Court did not accept Ms. Davis's argument that her training could be limited so that she might be able to perform satisfactorily some of the duties of a registered nurse or to hold some of the positions available to a registered nurse. In effect, the Court in so doing said that when a person trains to be a registered nurse, that person must become capable of performing all the duties potentially connected to that title and profession. One must therefore ask the question whether all medical doctors, who theoretically are licensed to perform surgery after having been awarded their medical degrees and passed their medical boards, are in fact training to perform such surgery and capable of doing so. The answer is that most doctors are far from capable of performing even some of the simplest surgical procedures unless they have taken additional surgical training in the form of a five-year residency in that specialty. And even if, theoretically, they were capable of performing surgery, it is clear in our society that most such medical doctors would not attempt to do so but would rather refer those patients in need of surgery to "qualified" (certified) practicing surgeons. Indeed, as they begin to specialize in their residencies, physicians move further and further away from any such abilities they may have attained during their four-year medical school education, and rely more and more on specialists to deal with those aspects of medical care with which they are no longer in tune. Why, then, is nursing different in the eyes of the Supreme Court?

It is also tragic that we shall never truly know whether Frances Davis could have performed adequately or more than adequately as a registered nurse or whether good-faith efforts toward the accommodation of her disability could have led to revolutionary methods of training registered nurses. It may well be that her hearing disability was so great and severe that no amount of accommodation could have been made by Southeastern which would have resulted in a meaningful training experience for her. Ms. Davis, however, was unfortunately stuck with a trial court record which contained an over-abundeance of testimony regarding the lack of ability and the dangers that this engendered in a clinical setting, and a singular lack of testimony that could have been produced about her real abilities. The Supreme Court's premature haste in granting certiorari in this case forever froze that inadequate and misleading record as it was created in the District Court.

Perhaps the most dangerous part of the entire Supreme Court decision was its use of such terms as "legitimate physical qualifications," "necessary physical qualifications," and "reasonable physical qualifications," without specific definition of these terms. The fuzziness of this language, with its far-reaching impliations for clinical training programs, opens the door for educational institutions to create their own subjective definitions of the terms "reasonable," "legitimate," and "necessary." Reasonable by what measure? Necessary to accomplish what? Legitimate by whose standard?

Will it be sufficient for clinical training programs, in establishing technical standards for admission, to structure their standards in such a way as to preclude the admission of anyone with some physical disability? Will the wearing of eyeglases be a bar to admission to such programs in the future, simply because at some time, as the result of some accident, the eyeglasses could be broken, thus rendering a trainee with poor but correctible eyesight incapacitated for the duration of the period in which the glasses are not available? Will organizations such as the American Association of Medical Colleges piously continue to maintain that qualified handicapped persons should be admitted to medical schools, while proposing at the same time technical standards that can only lead to the conclusion that the Association believes that sound physicians must also be completely sound in mind and in body?

We are at a period in history where conflicting court decisions regarding the rights of the handicapped under existing law are serving only to deny those rights, rather than to clarify them. Conflicting opinions in the Federal courts as to the applicability of Section 504 to employment stituations have led to the conclusion that the employment rights of the handicapped truly depend upon where they live and/or seek employment. A fairly recent decision in the courts of New York State held that so long as a person's disability was related (emphasis added) to the performance of the employment position being sought, there would be sufficient grounds for an employer to refuse to hire that person. It was the Court's decision that the ability of the person to overcome the disability and to perform that job was to all intents and purposes irrelevant, in the light of a narrow reading of the New York State Human Rights Law. Fortunately, that law was amended by the New York State Legislature to overcome that "defect" and clarify the meaning of the law.

Our court system has traditionally fostered a rather conservative approach in the interpretation of law in new areas. Such traditionalism has done little if anything to enhance the rights of the handicapped, who continue to suffer from the stereotypical approaches of even such lofty human beings as judges and justices of the Supreme Court. There is little doubt that society's inertia is increased by such bureaucratic pronouncements as that of Patricia Harris, quondam Secretary of Health, Education and Welfare, in which she said after the Davis decision that the Supreme Court's decision and arguments were essentially not different from the position taken by HEW in matters such as this. One might hope for slightly more of an advocacy stance from such an influential agency, charged with direct responsibilities in seeking compliance with Section 504.

It is not difficult to find every day newspaper stories and other articles about the severe shortage of registered nurses in this country. Unfortunately, as we continue to train nurses in the traditional way, accepting them for admission to our programs based on traditional standards, and relying on such nebulous concepts as 'reasonable' or 'legitimate' or 'necessary' physical

qualifications for admission, there is no reason to expect that this shortage will be alleviated. It would appear that an innovative approach to the whole concept of how we train nurses and whom we train, might be one way of partially alleviating that problem. The same applies to our acknowledged maldistribution of physicians and the existence of numerous medically underserved areas. Can it be that training a registered nurse to be a "whole" registered nurse is outmoded and outdated? Can we devise new methods of training so that nurses might be able to specialize according to their desires and abilities, after taking basic courses? While the nursing community might take up arms against me and the concepts herein proposed, is it not true that in many situations registered nurses undergo minimal clinical training experiences and that in some of these instances they may never in fact work in primary care settings? It seems to me that if nurses can become registered and certified with minimal clinical training, only to enter the working world of registered nurses in administrative capacities, then "necessary" physical standards for admission to such training programs become far less stringent than heretofore supposed. Otherwise we will continue to ignore one of the most valuable resources still untapped in our nation--persons with disabilities or handicaps, who can perform at high levels of achievement, but in different ways, according to their own varied abilities.

Chapter 9
Section 504 and Faculty Accommodation: "How-To" Strategies

R. L. Carothers

Faculty encountering handicapped students in their classes for the first time need to employ a policy which combines the spirit of accommodation and a good-faith effort to make their instruction accessible to disabled students, with the philosophy of "reasonable self-help." Under this view, the primary responsiiblity of faculty members is to see that nothing impedes the opportunity given to the handicapped student, while placing decision-making and resource allocation in the hands of the student. Assistance should be limited to the early adjustment period in the student's college career, and every attempt should be made to encourage increasingly independent behavior and independent decision making.

The key to this early assistance lies in foresight, a consciousness of the problems that a handicapped student may encounter in the normal matriculation at your institution. For example, faculty serving as advisers should be alert to problems arising from scheduling. The handicapped student who is newly on his own typically will not have extensive experience in managing time and the adviser can help the student focus on time requirements as he or she plans a schedule. We can ask how early a student can get moving in the morning, what is his or her fatigue factor, what time he or she needs to end the day. We can attempt to determine how long it will take the student to travel between classes, in good weather, in rain, in snow, in traffic. When will he or she need to be in the library? What is the schedule for reading aids, note-takers, personal aid assistants? You can also help in planning for movement. It can be very helpful to walk with the student through his or her schedule, seeing for yourself the many little problems that can obstruct passage. Don't limit your analysis to whether the student can get into a building; unless he or she can get to a seat in the particular classroom scheduled, the ramp at the door will not solve the problem.

Assuming then that the student has built a schedule and is launched on his or her career, the emphasis shifts to accommodation--the responsibility placed by Section 504 of the Rehabilitation Act of 1973 and Federal Regulations on the institution to so adapt its mode of instruction that handicapped people can participate. While much attention has been given to architectural modifications in buildings, insufficient attention has been given to the role faculty play in the design of the 'learning space' in which they are involved. Laboratories are prime examples of spaces where creative approaches are called for. Lab tables and work stations may need to be lowered or ramped, safety showers may need longer chains and hose extensions placed on eyewashes, and heavy rubber approns may need to be provided when a wheelchair-bound, cerebral-palsied student comes into your chemistry class. The need for these minor physical

modifications will not occur to the buildings and grounds people, but must spring from your experience with the individual student.

Most accommodations, however, require less physical modification than modification of habits and attitudes. The real enemy of the whole accommodation process is habit, the assumption that things as they are, are the way things have to be. Frequently we confuse the method with the end, the instructional process with the learning which is to be certified at the conclusion of the course or the degree. So we must begin by seeing what barriers exist in the manner in which we offer instruction and then determine how alternative methods can be designed. A key to this process of designing alternatives is foresight, advance notice of what sorts of handicaps students are bringing into the classroom or the lab. If you know that a blind student will be enrolled in your section of freshman psychology, you can send her an advance book list so that braille or taped versions can be prepared. If special lab supplies are needed, or if a station needs to be ramped, or if special visual aids need to be produced, time will be required to prepare. So, as a faculty member, you should be forceful and persistent in demanding full preparation time to effect an accommodation. Most of the situations in which faculty fail in achieving a satisfactory accommodation involve surprise.

Teaching styles may require some accommodation as well. If you have a vision-impaired student in the class, for example, you will need to be certain to say aloud anything you write on the blackboard. If a hearing-impaired student is in the class you will need to remember not to turn your back to the class when you speak. If you sport a beard and moustache you may have to trim. Where you have a mobility-impaired student in the class, you may want to prepare more outlines, more handouts, or place supporting material on reserve in the library to supplement your lectures. Designing alternative ways to deliver the material is also a means of learning the material afresh, of discovering new facets of a familiar face. It can also work for other members of the class, and you should not hesitate to involve them in the process. Creativity is catching, and a spirit of discovery and innovation generated by the learning problems of a handicapped student may "make" a class. Such experimentation and problem solving may require the use of some extra time, but will ultimately pay dividends in learning efficiency.

Time itself is a problem for most handicapped students, who tend to be less time-efficient than non-handicapped students. This is important in the classroom setting as well as in scheduling, and we all need an increased flexibility. Handicapped students may not be very realistic, at least at first, in their appraisals of time requirements, and many will not have had experience with deadlines. So on the one hand there needs to be accommodation for real problems, while on the other there needs to be firmness and fairness about what each student is responsible for. The areas which typically need clarification include the time required to get assignments handed in, the time

required for the student to do in-class writing assignments, the time required to take tests, and, more broadly, the time needed to complete course and curriculum requirements. These are areas where faculty tend to have real ambiguity, to fear being taken advantage of; and we must admit that sometimes they are. To counter this fear and to prevent any exploitation of faculty who are attempting to make good-faith accommodations, we should emphasize to our colleagues that where deadlines are modified the modified deadlines should be every bit as firm as the old deadline. Where alternative course requirements are negotiated, these should be adhered to. The faculty member's fear of manipulation can then be eased somewhat by being reassured that once an accommodation is made in order to make a class accessible, he or she may properly expect and demand that the terms of that accommodation be met.

This stance is particularly important with regard to testing procedures. Handicapped students frequently will require modification of test settings and of the media in which the test is administered. This may well produce anxiety in our colleagues, who wish to be certain that equity and security are not compromised. The point to be emphasized is that what needs modification are evaluation methods, not evaluation itself. What Section 504 calls for is some creativity in measuring learning. Again, this exercise of evaluative imagination has some valuable side effects. It frequently requires faculty members to examine anew their course objectives, and it may result in a rethinking of evaluation methods useful in measuring those objectives for all students.

Finally, we should mention again another important aspect of the accommodation process: making programs accessible. We want to remind ourselves that it is the faculty who set up program requirements, and we need to be certain that we can demonstrate, as the legislation requires, the essential nature of each program requirement. Once again, every effort should be made to substitute accessible means of learning for inaccessible ones, equally effective modes of performance for ones that don't tell us about essential competencies. As a matter of course, in fact, alternative methods of measuring competency should be insisted upon in every course. Frequently, even where there seems to be no way to modify a course to make it accessible, another course can be substituted or an independent learning experience can be designed.

And we must be willing to let students try. Among the most difficult barriers for handicapped students to overcome are those which derive from assumptions of inferiority or assumptions that a given malady has spread to other facilities or, in general, any of a variety of lowered expectations. Many faculty members expect too little in terms of academic performance from disabled students, while their expectations in matters of ability to handle stress, patience and maturity are often higher than is warranted. (These lowered academic expectations are usually articulated to handicapped students as the admonition to "face

reality.") We need to allow these students to try new techniques and courses, and we need not run in absolute fear of their failure. And when we discover faculty who don't want to allow students to enter their classes for fear of "lowering standards" (the battle cry of all obstructionists) we need to assist them in finding ways to support their standards while they accommodate disabled students. Basically, they must sort out what is merely habit, or custom, or even tradition from what is educationally essential.

We have touched at several points on the possible emotional problems of faculty who discover handicapped students in their classes. To begin with, experience indicates that most teachers do well in adjusting to the needs of handicapped students, and the presumption of willing and resourceful accommodation on the part of the faculty members will usually turn out to be correct. Nevertheless, there is no question but that disabled students will occasionally encounter faculty members with handicaps of their own, emotional handicaps which disabled students must cope with and, we hope, can help the faculty member overcome.

Without presuming any particular psychiatric expertise, we might still venture the notion that fear lies at the center of these negative responses. Three particular types of such responses are identifiable. The first and most frequent is confusion and embarrassment. The person finds it difficult to look at a handicapped person and fumbles for the 'right' thing to say. Such persons tend to avoid handicapped students for fear of saying the wrong thing, something that might hurt their feelings. Such a professor may live in dread of telling a blind student to "try to see what's going on in this poem" or of asking a wheelchair-mobile student if she wants "to walk over to the student union for a cup of coffee." The handicapped student can deal with this response openly and directly, letting the faculty member know that he or she is not so psychologically fragile as to be bothered by an off-hand remark.

The second and perhaps most seductive negative response comes from the faculty member's trying too hard to be "a good guy." Such a person may be only too willing to excuse a disabled student's absences or his or her failure to turn in an assignment. They do not want a handicapped person to take charge of his or her life, and so, in the name of "kindness" or "helpfulness" they will prevent the student from making the variety of hard decisions necessary to success. The disabled student may find this attitude tempting (or just as likely, infuriating!), but he or she must clearly and firmly assert self-responsibility for the decisions and for living with the consequences.

The third and most confounding negative response is manifested in withdrawal and even open hostility. Fear is clearly the dominant factor in these cases. The chief character in Joseph Heller's novel, Something Happened, is a good spokesman for this sort of feeling. He tells us:

> A spastic can affect me profoundly, and a person with some other kind of facial or leg paralysis can immobilize me...I want to look away. I resent blind people when I see them on the street, grow angry with them for being blind and in danger on the street, and glance about desperately for somebody else to step alongside them before I have to guide them safely across the intersection or around the unexpected sidewalk obstruction...I will not let myself cope with such human distress; I refuse to accept such reality; I dump it all right down into my unconscious and sit on it as hard as I can.

In this situation, the best counsel you can give a student is simply not to respond in kind. This may be a situation, however, where your assistance as a colleague, or even professional assistance may be required.

In attempting to assist colleagues anxious about the advent of handicapped students in their classes, the following procedure may be helpful. While it is obviously simplistic to argue that fear of the unknown is always overcome by knowledge, since we cannot hope to treat all of the anxiety reactions of faculty, we can best proceed in our efforts by providing the information and skill which will help a faculty member relax and do the job he or she is paid to do.

1. Prepare the faculty member before the handicapped student arrives. Try to provide generic information about the handicap itself and, to the extent practicable, information about the individual student's abilities and disabilities, emphasizing the former.

2. Provide the opportunity for ventilation. Let your colleague talk about what he or she fears will happen, and thereby dissipate some of the anxiety.

3. Provide resources. Try to get lists of teaching aids and devices, of the addresses and telephone numbers of experts and agency people who can help; of colleagues who have already handled similar problems. You want to convey the message that others have met these challenges and have been successful. Your worried friend is not alone.

4. Provide continuing encouragement and reinforcement. Reward any efforts toward accommodation and keep checking back to see how it's going. Don't assume that problems solved once will necessarily stay solved, or that there will not be backsliding.

5. Continue to counsel with the handicapped student involved, as he or she works out his or her relationship with the professor. Support on both sides of the transaction can make the crucial difference.

All of what we have been saying is an exercise in problem solving; a process of trying to get from here to there; from where the handicapped student begins on the day he or she enrolls, to attainment of full educational opportunity. In the next section of this workshop, you will get some concrete, practical practice in handling the potential difficulties you may encounter back on your home campus.

Chapter 10

Four Problems, and Models for On-Campus Workshops

R. L. Carothers

PROBLEM I

This fall you are teaching a section of World Geography, an introductory course in the Geography Department usually taken for general education (i.e., core) credit. When the class meets for the first session, you learn that Joseph Marcello, a blind student, has enrolled in your section. This is a matter of some concern to you, since when you taught the course before you made extensive use of the large wall maps which have been installed in the classroom. This term you planned on using these maps again, as well as several sets of slides of Europe which you prepared following your summer vacation in Germany, France and Italy. Your first reaction is to suggest another elective to Joseph, one which is not so dependent upon visually apprehended teaching devices. On second thought, however, you decide to see if you can develop a strategy which will allow Joseph to take your course and have a reasonable chance of success.

DIRECTORS: Please try to solve this problem through discussion in your group. The directions which follow are designed to assist you in identifying the issues in this problem and in developing a plan to make your course accessible to Joe Marcello. As much as possible, follow the directions in sequence.

1. Just what is the problem here? Try to frame several statements of the problem, each beginning with "The problem is how to..." Keep asking yourself "Why? What is my basic purpose here?" until you arrive at a "How to..." definition the group can generally agree upon.

2. Once you have defined the problem, you should begin thinking of alternatives which might be solutions to the problem. Make a list of these (at least five or six), trying not to be judgmental about the ideas suggested. The goal is to generate a range of possible responses to the problem. For example, what modifications in the learning environment could be made by you, as the teacher? What alterations in teaching technique (i.e., presentation of material) might be appropriate? What outside resources could be recruited? Can (should) the system of student evaluation in the course be modified in Joe's case to compensate for Joe's inability to acquire knowledge through sight? And so forth.

3. From the list of possibilities you have generated, move toward the selection of a plan, evaluating each possibility in terms of criteria you decide are appropriate (e.g., time, money, morality, acceptability, effectivenes, etc.).

4. When you decide upon a strategy for solving this problem, turn to matters of implementation. Who bears the responsibility for making your plan happen? Who bears the cost? Identify the sources of "attack" or opposition to your plan. How will you protect your plan from these opponents?

PROBLEM II

You are teaching a section of General Psychology, a course required of all freshman education students and elected by many other freshmen and sophomores. In your class is Helen Prynne, a young woman with cerebral palsy. The disorder has left Helen with severe motor skill disability, as well as speech impairment. She uses a wheelchair and comes to class with an aide who takes notes for her. After the third week of class, Helen's attendance becomes more and more sporadic. She has called your office on each occasion of an absence, however, to explain why she was not in class. These explanations include failure of her transportation to arrive on time, failure of medical equipment on which she is dependent, failure of her aide to show up for the class, and simple illness. You are becoming more and more concerned about this problem as mid-term approaches; your class book indicates that Helen has now missed more than half of the meetings of her section.

Again, please consider this problem in your group.

1. You may want to begin this discussion by asking <u>whose</u> problem this is. Do you, as a classroom teacher, have any responsibility for solving this problem? How much?

2. At least part of this problem would seem to stem from poor management of support services. Should you intervene? If so, with whom?

3. Mid-term exams are on the horizon. Should you make special arrangements for Helen to take your test (assume that the test is a combination of objective and essay questions)? Should you make up a different test for Helen because of her absences? Should you exempt her from the exam?

4. Assume that you come to believe that not all of Helen's absences are for the reasons she gives you, that she is avoiding the class because of fear of failure, or because she is enjoying (too much?) the social contacts college life has given her. Should you confront her with your belief? Would you do so with a non-handicapped student? Is there anything which makes this situation different from usual instances of student irresponsibility?

5. As a conclusion to your discussion of this problem, try to formulate a statement in your group of what you believe is the special responsibility (if any) of a professor to a handicapped student. Write it down and keep the statement for later discussions.

PROBLEM III

Your chairman finally scheduled you for the seminar in the Victorian Novel. Your dissertation was on Dickens, and you have published two articles recently, in reputable journals, exploring the nuances of his social criticisms. In short, you have been looking forward to teaching this class for some time, and you have limited enrollment to twelve students, all of them to be English majors. Among them is Mary Ann Perowski, a hearing-impaired student who is skillful at lip-reading but whose speech is badly garbled and extremely difficult to understand. While it is quickly apparent to you from her written work that Mary Ann is both bright and conscientious, her attempts to participate in the seminars are less than successful. She wants very much to speak to the points raised by you and the other students, but expressing herself is slow and arduous. Often she must repeat herself several times before she is understood. You find this process painful and, you must admit, you resent this interruption in the flow of class discussion. Yesterday, one of the brightest students in the seminar came to your office and, with considerable embarrassment, told you that Mary Ann's participation in the class is making him so nervous he is ready to drop the course. You persuaded him to stay but are beginning to feel that you must do <u>something</u>.

Please consider this problem in your group.

1. Again, let's begin by trying to define the problem. Let's assume, for the moment, that something should be done to resolve the forces in tension. State your definition in "how to..." terms.

2. Think of some strategies to effect a solution. Remember that the goal here is generating alternatives. Give yourself several options to choose from. List at least three.

3. Considering all the parties involved, which of your alternatives (or what combination of alternatives) seems most likely to work?

4. Assume that this problem arises not in your class but in the class of a colleague and that you learn of it from a student enrolled in that class. How can you assist your colleague? What are the dangers to be anticipated?

5. Finally, as individuals, try to adapt and concretize the plan for use on your own campus. To the degree possible, list the actual steps you would take, including, if a part of your plan, the office and people you would use.

PROBLEM IV

For the past three years you have known Bill Benning as a student and, subsequently, as a friend. He first rolled into your section of Education in American Society as a freshman. At

that time he had recently come out of a veterans hospital after extensive rehabilitation for the effects of shrapnel damage to the spinal area incurred in the last weeks of Vietnam. He knew then that he would probably be paralyzed from the neck down for the rest of his life. He had overcome much of the bitterness he felt during his long hospitalization, and he had decided to become an elementary teacher. While at first you were somewhat dismayed at his chances for success, after sensing his determination and seeing his imagination and creativity in performing in your classes, you began to believe in Bill and to share his ambition.

Now, however, both you and Bill have encountered a major obstacle. Bill needs a semester of student teaching in order to complete his program. Your university places its student-teachers in neighboring school districts under the direct supervision of cooperating classroom teachers who are paid a nominal sum for their efforts. Accepting a student teacher is entirely optional with the school district, and depends upon the willingness of the cooperative teacher. Your colleague in the placement office called you yesterday to report that no school district is willing to place Bill in one of its classrooms. In each case, the building principal has pleaded the lack of facilities, the inexperience of his staff with handicapped persons, the trauma which Bill's appearance might cause small children, and, in general, the "hassle" this situation would cause him.

Your reaction was anger. But with some time to recover you accept the problem as a challenge. You get permission from your friend in placement to attempt to intervene for Bill and to act as his advocate with several of the building principals you have come to know over the past years.

DIRECTIONS: One person in your group should take on the role of the reluctant building principal. Then, role-play an encounter between one of you acting as advocate and this principal. Let each person in the group try his or her hand at being the advocate, trying out different approaches to the problem of gaining cooperation. Take some time between each attempt to discuss and evaluate that approach. Try to decide, individually, which approaches might be best in situations on your own campus.

While the fact patterns may diverge, this situation is a model for a dilemma which you, as an advocate of handicapped persons, will have to face many times. The exercise is intended as rehearsal.

MODEL I: One Day Workshop

Objectives

1. To familiarize faculty members with the purpose and scope of Section 504.
2. To increase the skill of faculty members attending as advocates for handicapped students and as sources of assistance to colleagues who may encounter problems in providing instruction to handicapped students in their classrooms.
3. To establish a network of communications and a procedure for problem resolution among the academic departments, administrative units, external support agencies, and students with handicaps.

Activities and Schedule

9:00 - 10:00 a.m. Introduction to the Problem

A. Definition of the problem - lecture or use of film, emphasizing education, attitudinal and legal aspects of the problem. Development of concept of accommodation.

B. Overview of Section 504 and Davis.

10:00 - 10:30 a.m. Review of Resources

Identification of support systems, represented by materials in distribution packet, including:

A. List of key campus figures and offices, with description of services offered by each.

B. Basic Layman's Guide to Campus Disabilities.

C. Area external support resources (see "Resources for the Handicapped" in your black packet. An adaptation to local offices would be helpful.)

10:30 - 10:45 a.m. Coffee Break

10:45 - 11:30 a.m. Strategies for the Classroom Teacher

A suggestive discussion of generic strategies for teachers to consider for handicapped students:

A. Physical adaptation - designing learning environments

B. Teaching styles - adaptations in the delivery of instruction

C. Time - modification of time requirements for handicapped students

D. Testing - evaluation method modification

E. Program accommodation - acommodation in program requirements

11:30 - 12:00 a.m. Open Discussion and Questions of issues raised in the morning

12:00 - 1:00 p.m. Lunch

1:00 - 2:30 p.m. Small Group Problem Solving Session

Within time available, we suggest that you allocate 30 minutes per problem. The problems should be adapted to local conditions, but the kinds of issues raised in the problems we have given you should be addressed.

2:30 - 3:00 p.m. Large Group Processing of small group solutions

3:00 - 4:00 p.m. A Plan for Implementation for the various constituencies on campus. Decisions should be made here about how the group will communicate in the future, what strategies can be employed to encourage compliance where there is resistance, how handicapped students themselves may be involved, etc.

MODEL II: An Evening Workshop

Objectives: Same as Model I

Activities and Schedule

7:00 - 7:30 p.m. Introduction to the Problem

Lecture summarizing the problem, including brief outline, supported by handout, of Section 504; brief discussion of Davis.

7:30 - 7:50 p.m. Campus and Community Resources

Review of persons and agencies which provide support. Actual introductions to these people is helpful. Handouts describing handicaps (e.g., Layman's Guide) and listing all area resources are essential.

7:50 - 8:15 p.m. **Strategies for Classroom Teachers**

Overview of generic strategies, including: physical adaptation, delivery of instruction, time, testing, and program accommodation

8:15 - 9:30 p.m. Small group problem solving (2 problems, one related to adaptation of teaching materials, one related to attitude problems)

9:30 - 10:00 p.m. **Summary of Conclusions** and plans for future implementations

In this model there is great need for individual follow-up. Facilitator should plan to be around after the session to discuss, answer questions, assist in planning, and so forth. Subsequently, facilitator will need to get back to departments or department representatives to provide support, both educational and motivational.

Chapter 11

Procedures and Strategies for Developing Program Access and Involving Faculty on the Campus

P. S. Jastram and R. L. Carothers

Following are some suggestions for developing a positive effective faculty program for assuring access on your own campus for qualified handicapped students. The first steps are predicated on the assumption that at the start there is little or no systematic faculty involvement. Obviously, the specific approach must depend primarily on the particular characteristics of the institution, including especially accommodation experience and attitudes already in place. The list is intended to be suggestive, certainly not in any sense exhaustive.

1. Involve a few interested colleagues (perhaps four or five) right away. Recruit from different disciplines, but be sure to include at least one from a laboratory science department. Brief the members of this group thoroughly on Section 504 requirements.

2. Talk with the president of your college or university and with other appropriate members of the administration. Be sure that they understand the institution's responsibilities under Section 504, and that the program of faculty involvement has their support.

3. Consult with handicapped people on your campus: students, faculty and staff. Find out what they have to say about the state of access and accommodation on your campus.

4. Examine your institution's self-evaluation report, and determine what offices, services, facilities, aids and programs for handicapped people are available on and off the campus. For example:

-- Is there an office for services to handicapped people at your institution?

-- Are readers available for taping and one-on-one reading?

-- Are interpreters available?

-- What local agencies of federal and state government provide services?

-- Does your institution provide for payment for those services to handicapped people for which it is ultimately responsible?

5. Find out who is responsible for various types of services on your campus--dormitories, cafeterias, off-campus housing, libraries, advising, testing, medical and psychological

assistance, transportation, audio-visual aids, equipment maintenance; and what measures they are taking to accommodate special problems of handicapped people.

The results of these inquiries should enable your group to put together a useful information resource:

6. Establish an information resource file, including such items as

(a) Basic general literature: the federal regulations and state laws, the NACUBO Task Force Report on Section 504 compliance problems and guidelines in higher education, the Jossey-Bass publication Assuring Access for the Handicapped, etc., as well as papers on particular types of impairments, such as dyslexia.

(b) Information on how to obtain specific services locally, on and off campus; and what special equipment is available, and where it can be obtained. Examples: accessible housing, stores, and restaurants; assisted living arrangements; readers, interpreters.

7. Determine what unimpaired people need to know about interacting with handicapped people. Some questions are as follows:

-- How do you guide a blind person past an obstacle or to a particular place? (let him or her hold on to you.)

-- For a blind person, should a door be left open, closed, or half-open? (Never half-open; usually closed.)

-- Should you feed, pet, or talk to a guide dog? (Never.)

-- How should you talk to a deaf person? (Directly and naturally.)

-- How can you tell what kind of assistance if any, to provide to a mobility impaired person? (Ask.)

-- How can you tell whether a student's inability to learn something is lack of intelligence, laziness, insufficient preparation; or whether it is due to a specific learning disabilty, such as dyslexia? (Discuss the subject matter in depth with the student. Be alert for some kind of specific block or "hang-up," or an inconsistency in the student's learning pattern.)

8. Develop a handbook of information covering the various topics listed above, designed for your particular campus community, for use by faculty members.

9. Publicize the kind of help you and your colleagues can offer the college of university community.

10. Organize a series of one or two-day workshops on access for the handicapped on your campus, for faculty and staff, designed especially to prepare faculty members to serve as accommodation resource people or 'advocates' in their own departments.

11. Recruit faculty colleagues, with the goal of establishing a "504" resource person in each department. Make sure there is a means for ongoing communication among the faculty resource people, and also that there is good communication between them and any administration office there may be with responsibilities for handicapped students.

STRATEGIES

Your success in this endeavor depends upon developing strategies for communications and leverage. What follows are some suggestions we think you may want to consider.

COMMUNICATIONS

At least one resource person in each academic department and administrative unit should be prepared to act as an "advocate" for handicapped students and to render counsel and advice to his or her colleagues. These advocates should be people with whom you can communicate (ideally, they should be people who have participated in your orientation session), and you should make periodic checks with these people to be certain they remain alert to potential problems and committed to their resolutions.

* * * * * *

A listing of local resources, both on-and-off-campus, should be compiled and placed in the hands of department advocates. Every effort should be made to facilitate communications between local agencies and department advocates.

* * * * * *

The contents and implications of 504 should be given the broadest dissemination throughout the faculty. This responsibility may be shared with administrators (certainly they should be asked to provide the time and materials), but it is best accomplished by profesors who understand the dynamics of faculty groups and the practical procedures of the classroom. A brief and clear outline of faculty responsibility under 504 should be in the hands of each faculty member.

* * * * * *

The department advocates should meet at least once a term to share mutual concerns and problem solving strategies. They should be prepared to facilitate communications between Profesor Smith, who discovered last term how to test Mary Jones, a blind student, in chemistry and Professor Brown, who has Mary in

physics this term. Consider putting out a newsletter, even a one-page, monthly one, highlighting creative solutions to instructional and evaluative problems.

* * * * * *

Academic departments should be asked to review their program requirements in the light of 504. You should place emphasis upon the desirability of creating alternatives to present requirements before they are challenged by a handicapped student.

* * * * * *

Students with handicaps should be advised of the information in the hands of faculty members, and encouraged to address questions regarding their learning strategies directly to their professors. The goal, of course, is mutual assistance in the spirit of accommodation.

LEVERAGE

Sometimes communications alone won't accomplish the task. Sometimes, because of fear, anxiety or simple inertia, leverage is required to move faculty members towards at least minimal compliance, ultimately to accommodation.

* * * * * *

The legal effects of 504 should be made known to all faculty members. When combined with the moral force handicapped persons can usually generate, these legal effects are potent motivators, particularly for department chairpersons, deans, program directors, etc.

* * * * * *

Handicapped persons themselves should be involved in campus decision making whenever possible. You should encourage them and assist them in becoming a political force to be reckoned with. Specifically, handicapped faculty should be encouraged to serve on key personnel committees (e.g., promotions, tenure, and sabbatical leave committees). If students serve on college committees on your campus, handicapped students should be encouraged to become members of curriculum, professional rights and responsibilities, buildings and grounds, calendar, academic standards, and other key committees.

* * * * * *

Handicapped students seem to gravitate to student government groups, and this too should be encouraged.

* * * * * *

Advocates should attempt to include in the faculty evaluation process, a clause which relates to a professor's ability to address the needs of handicapped students.

* * * * * *

Faculty members who make special contributions to educating handicapped students should be rewarded. Publicity in various media may be sufficient, but letters to department chairpersons, deans, chairpersons of relevant personnel committees, etc. should not be neglected.

* * * * * *

A faculty member who "hassles" handicapped students, or who makes no effort to accommodate handicapped students should, first, receive supportive assistance. Frequently, psychological factors work paralysis on professors with no experience with handicapped persons. The department advocates can play the key role here, advising on an informal basis, encouraging his or her colleague to invent or adopt the accommodation required. Where the process fails, however, confrontation will probably be required. In this eventuality, every precaution should be made to protect students. Where another professor offers the same course or the department chairperson will allow a suitable substitute, rescheduling around the offending professor may be the immediate answer. But where the professor constitutes a real block in a student's program, the department advocate and you must be prepared to take effective steps to remove the obstruction. Both the law and morality are with you.

* * * * * *

The time and resources required for faculty members to meet the specific needs of handicapped students or to serve as advocates or resource persons are an appropriate part of their official reponsibilities and workload. Colleges and universities must come into compliance with the Act, and their administrations must support the essential efforts that are required of departments and individual faculty members. Sometimes this requires special teaching tools and equipment, for which funds must be provided.

NON ERIT FINIS . . .

☆U.S. GOVERNMENT PRINTING OFFICE: 1981-349-925/8550